

JOURNAL OF THE SENATE

OF THE

THIRTY-THIRD GENERAL ASSEMBLY

OF THE

STATE OF IOWA

**WHICH CONVENED AT THE CAPITOL AT DES MOINES,
JANUARY 11, A. D. 1909, AND ADJOURNED
SINE DIE APRIL 9, A. D. 1909.**

OHIO STATE
UNIVERSITY

DES MOINES

EMORY H. ENGLISH, STATE PRINTER

E. D. CHASELL, STATE BINDER

1909

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OFFICERS OF THE SENATE

President

GEORGE W. CLARKE

Adel, Dallas county

President Pro Tempore

JAMES A. SMITH

Osage, Mitchell county

Secretary

SAMUEL W. NEAL

Washington, Washington county

First Assistant Secretary....George A. Wilson, Des Moines, Polk county
Second Assistant Secretary..Joseph E. Meyer, Des Moines, Polk county
Engrossing Clerk.....Charles O. Edge, Newton, Jasper county
Enrolling Clerk.....DeWitt A. Norton, Newell, Buena Vista county
Journal Clerk.....William A. Lane, Guthrie Center, Guthrie county
Journal Clerk.....William M. Lewis, Des Moines, Polk county
Sergeant-at-armsJoseph H. Reese, Belmond, Wright county
Bill Clerk.....Paul Gilliland, Glenwood, Mills county
File Clerk.....John G. Cook, Arnolds Park, Dickinson county
PostmistressEdna A. Dodge, Jefferson, Greene county
Doorkeeper.....Newton J. Jolly, Osceola, Clark county

THE SENATE OF THE THIRTY-THIRD GENERAL ASSEMBLY.

District	NAME	P. O. ADDRESS	COUNTIES IN DISTRICT	OCCUPATION	NATIVITY	Years	Age
						in Iowa	
40	Adams, Henry L.	West Union	Allamakee, Fayette	Lawyer	Iowa	32	32
50	Allen, Joseph H.*	Pocahontas	Buena Vista, Humboldt, Pocahontas	Banker and Lawyer	Iowa	38	38
2	Allen, William S.	Birmingham	Jefferson, Van Buren	Lawyer	Iowa	49	49
49	Balkema, Nicholas	Sioux Center	Lyon, O'Brien, Osceola, Sioux	Merchant	Wisconsin	23	43
6	Bennett, Theophilus W.	Lenox	Adams, Taylor	Physician and Surgeon	Iowa	55	55
5	Brown, John D.	Leon	Decatur, Ringgold, Union	Farmer	Ohio	54	68
18	Bruce, James E.*	Atlantic	Cass, Shelby	Attorney and Banker	Iowa	48	48
42	Burgess, Henry C.*	Cresco	Howard, Winneshiek	Lumber Dealer	Maine	47	62
24	Chapman, Horace R.	Bennett	Cedar, Jones	Physician	Iowa	35	35
12	Clark, Elbert W.*	Grinnell	Keokuk, Poweshiek	Physician and Surgeon	Vermont	42	66
19	Clarkson, John T.	Albia	Marion, Monroe	Lawyer	Pennsylvania	25	46
17	Cosson, George	Audubon	Audubon, Dallas, Guthrie	Lawyer	Missouri	27	33
21	De Armand, John A.*	Davenport	Scott	Physician	Pennsylvania	42	56
38	De Wolf, Sherman W.*	Reinbeck	Black Hawk, Grundy	Lawyer	Iowa	33	33
30	Dowell, Cassius C.*	Des Moines	Polk	Lawyer	Iowa	43	43
31	Fitchpatrick, Joseph A.	Nevada	Boone, Story	Law, Loans and Abstracter	Virginia	54	63
44	Foley, John*	New Hampton	Chickasaw, Floyd	Banker	Ireland	51	67
47	Francis, Leslie E.	Spirit Lake	Clay, Dickinson, Emmet, Kosuth, Palo Alto	Lawyer	Iowa	37	37
35	Frudden, Arfst F.*	Dubuque	Dubuque	Lumber Merchant	Germany	34	54
39	Gates, Charles	Greene	Bremer, Butler	Lumber and Imple'ts.	Iowa	52	52
8	Gilliland, Shirley	Glenwood	Mills, Montgomery	Lawyer	Iowa	52	52
43	Hammill, John	Britt	Cerro Gordo, Franklin, Hancock	Attorney	Wisconsin	20	33
33	Hoyt, Edwin H.	Lamont	Buchanan, Delaware	Banker	Iowa	37	37
32	Hunter, Robert	Sioux City	Woodbury	Lawyer	Iowa	50	50
7	Jamieson, William D.*†	Shenandoah	Fremont, Page	Editor	Iowa	35	35
27	Larrabee, Frederic	Fort Dodge	Calhoun, Webster	Real Estate and Law	Iowa	35	35
4	McCulloch, George	Humeston	Lucas, Wayne	Farmer, Physician and Banker	Ohio	37	59
1	McManus, Edward P.*	Keokuk	Lee	Contractor	Iowa	49	49
48	Mattes, Joseph*	Odebolt	Carroll, Greene, Sac	Hardware Merchant	Iowa	53	53
29	Maytag, Fred L.*	Newton	Jasper	Manufacturer	Illinois	41	51
13	Moon, Edwin G.*	Ottumwa	Wapello	Lawyer	Iowa	37	37
20	Nichols, Jay I.*	West Liberty	Louisa, Muscatine	Farmer	Iowa	53	53

†Resigned March 3, 1909, to accept position as Representative in Congress from the Eighth Congressional District of Iowa.

District	NAME	P. O. ADDRESS	COUNTIES IN DISTRICT	OCCUPATION	NATIVITY	Years in Iowa	Age
23	<i>Parshall, Lyman B.</i>	Canton	Jackson	Farmer	New York	25	62
37	Peterson, Charles F.*	Clarion	Hamilton, Hardin, Wright	Lawyer	New York	39	52
11	Proudfoot, Aaron V.	Indianola	Clarke, Warren	Attorney	Iowa	46	46
36	<i>Quigley, Robert</i>	McGregor	Clayton	Attorney	Iowa	62	62
14	<i>Ream, John F.</i>	Oskaloosa, R 5	Mahaska	Coal Miner	Pennsylvania	53	54
46	Sammis, James U.	Le Mars	Cherokee, Ida, Plymouth	Attorney	Illinois	27	45
19	Saunders, Charles G.	Council Bluffs	Pottawattamie	Lawyer	New York	40	47
16	Savage, Arthur C.	Adair	Adair, Madison	Banker	Iowa	39	39
10	Seeley, William B.*	Mount Pleasant	Henry, Washington	Banker and Stock	Iowa	46	46
9	<i>Smith, Fred N.</i>	Burlington	Des Moines	Farmer and Banker	Iowa	58	58
41	Smith, James A.	Osage	Mitchell, Winnebago, Worth	Retail Lumberman	New York	39	57
26	Stuckslager, Willard C.	Lisbon	Linn	Banker	Iowa	39	39
3	<i>Taylor, Lewis L.</i>	Centerville	Appanoose, Davis	Banker	Kentucky	59	65
28	Van Law, Comfort Harvey	Marshalltown	Marshall	Lawyer	Iowa	39	39
45	Whipple, William P.*	Vinton	Benton, Tama	Lawyer	Iowa	51	51
25	<i>White, James A.</i>	South Amana	Iowa, Johnson	Farmer	Illinois	48	49
34	<i>Whiting, Will C.</i>	Whiting	Crawford, Harrison, Monona	Farmer, Impl., Lumber	Iowa	51	51
22	<i>Wilson, John L.</i>	Almont	Clinton	Farmer and Stock	Iowa	51	51

*Term expires 1910.

Republicans in roman—34. Democrats in italic—16.

ADDITIONAL INFORMATION.

Former Legislative Service—Allen, (Joseph H.) S. 32; Allen, (William S.) H. 25, 26; Bruce, S. 29, 30, 31, 32; Burgess, S. 32; Clark, H. 31, S. 32; De Armand, S. 32; DeWolf, S. 32; Dowell, H. 25, 26, S. 29, 30, 31, 32; Fitchpatrick, S. 23, 29; Foley, H. 22, S. 32; Frudden, H. 29, 30, 31, S. 32; Gilliland, S. 30, 31, 32; Jamieson, S. 32; McCulloch, H. 19, 30, 31; McManus, S. 32; Mattes, H. 29, 30, 31, S. 32; Maytag, S. 29, 30, 31, 32; Moon, S. 32; Nichols, H. 29, 30, 31, S. 32; Peterson, S. 32; Saunders, elected to fill vacancy in S. 29, S. 30, 31, 32; Seeley, S. 32; Smith, (Fred N.) elected to fill vacancy in S. 23, S. 29, 30, 31, 32; Smith, (James A.) H. 22, 23, S. 23, 29, 30, 31, 32; Stuckslager, H. 23, 29, S. 30, 31, 32; Taylor, S. 30, 31, 32; Whipple, S. 29, 30, 31, 32; Whiting, H. 29, 30, 31, S. 32; Wilson, H. 25, 26, S. 27, 28, 29, 30, 31, 32.

Military Service—Allen, (Joseph H.) Private Co. F, 49th Iowa Inf., S. A. W.; Brown, 3d Iowa Cav.; Fitchpatrick, Co. E, 3d Iowa Inf.; Quigley, Co. D, 46th, Iowa Inf., and Co. K, 15th Iowa Inf.

Education—Rural School—Fitchpatrick, Maytag.

Common School—Brown, Burgess, Clarkson, Frudden, Ream, Smith (James A.), Whiting.

Graded School—Balkema, Taylor.

High School—Clark, De Armand, Gates, Mattes, Sammis.

Business College—McManus, Nichols, Wilson.

Academy—Foley, Smith (Fred N.), White.

College—Adams, Allen (Joseph H.), Allen (William S.), Bennett, Bruce, Chapman, Cosson, DeWolf, Dowell, Francis, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Moon, Parshall, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Stuckslager, Van Law, Whipple.

Married, 45. Widowers, Fitchpatrick, Taylor. Single, Dowell, Larrabee, White.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 11, 1909.

Pursuant to law, the Senate of the Thirty-third General Assembly convened at 10 o'clock A. M., and was called to order by President James A. Smith.

Prayer was offered by Rev. Gertrude von Petzold of England.

Senator Stuckslager moved that the officers of the Thirty-second General Assembly present be made the temporary officers of this Assembly and that the vacancies be filled by those nominated by the Republican Caucus.

Carried.

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

Carried.

The President appointed the following committee on credentials: Senators Stuckslager, Fitchpatrick, Brown, Frudden and McManus.

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

Secretary—George A. Newman.

First Assistant Secretary—George A. Wilson.

Second Assistant Secretary—Joseph E. Meyer.

Journal Clerk—J. S. Irish.

Engrossing Clerk—C. O. Edge.

Enrolling Clerk—D. A. Norton.

Sergeant-at-Arms—J. H. Reese.

Bill Clerk—Paul Gilliland.

Postmistress—Edna A. Dodge.

Assistant Doorkeepers—W. J. Medearis, D. A. Heisler, J. H. Stewart, B. I. Kinsey, I. L. Rerick, A. D. Page, A. W. Hathaway, J. E. Winder.

Chief Janitor—Jeff Logan.

Assistant Janitors—W. A. Coalson, P. S. Erwin.

Messengers—Charles Grahl, Cleveland Foster, Abe Leon, Clyde Curtis.

Senator Allen of Van Buren moved that a recess be taken until the committee on credentials make a report.

Carried.

The Senate took a recess.

The President called the Senate to order.

Senator Stuckslager from the Committee on Credentials, submitted the following report and moved its adoption.

MR. PRESIDENT—Your Committee on Credentials finds the following named newly elected Senators entitled to seats in the Senate of the Thirty-third General Assembly:

Second district, William S. Allen.

Third district, Lewis L. Taylor.

Fourth district, George McCulloch.

Fifth district, John D. Brown.

Sixth district, Theophilus W. Bennett.

Eighth district, Shirley Gilliland.

Eleventh district, Aaron V. Proudfoot.

Fourteenth district, John F. Ream.

Fifteenth district, John T. Clarkson.

Sixteenth district, Arthur C. Savage.

Seventeenth district, George Cosson.

Nineteenth district, Charles G. Saunders.

Twenty-third district, Lyman B. Parshall.

Twenty-fourth district, Horace R. Chapman.

Twenty-fifth district, James A. White.

Twenty-sixth district, W. C. Stuckslager.

Twenty-seventh district, Frederic Larrabee.

Twenty-eighth district, Comfort H. Van Law.

Thirty-first district, Joseph A. Fitchpatrick.

Thirty-second district, Robert Hunter.

Thirty-third district, Edwin H. Hoyt.

Thirty-sixth district, Robert Quigley.

Thirty-ninth district, Charles Gates.

Fortieth district, Henry L. Adams.

Forty-first district, James A. Smith.

Forty-third district, John Hammill.

Forty-sixth district, James U. Sammis.

Forty-seventh district, Leslie E. Francis.

Forty-ninth district, Nicholas Balkema.

We also find the following holdover Senators entitled to seats in this body:

First district, Edward P. McManus.
Seventh district, William D. Jamieson.
Ninth district, Fred N. Smith.
Tenth district, William B. Seeley.
Twelfth district, Elbert W. Clark.
Thirteenth district, Edwin G. Moon.
Eighteenth district, James E. Bruce.
Twentieth district, Jay I. Nichols.
Twenty-first district, John A. DeArmand.
Twenty-second district, John L. Wilson.
Twenty-ninth district, Fred L. Maytag.
Thirtieth district, Cassius C. Dowell.
Thirty-fourth district, Will C. Whiting.
Thirty-fifth district, Arfst F. Frudden.
Thirty-seventh district, Charles F. Peterson.
Thirty-eighth district, Sherman W. DeWolf.
Forty-second district, Henry C. Burgess.
Forty-fourth district, John Foley.
Forty-fifth district, William P. Whipple.
Forty-eighth district, Joseph Mattes.
Fiftieth district, Joseph H. Allen.

W. C. STUCKSLAGER,
J. D. BROWN,
A. F. FRUDDEN,
E. P. McMANUS,
J. A. FITCHPATRICK,
Committee.

The report of the committee was adopted.

The roll call disclosed the following Senators present:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—48.

Absent:

Quigley and Wipple—2.

The following newly elected Senators appeared before the bar of the Senate and were duly sworn:

Adams,	Hunter,
Allen of Van Buren,	Larrabee,
Balkema,	McCulloch,
Bennett,	Parshall,
Brown,	Proudfoot,
Chapman,	Ream,
Clarkson	Sammis,
Cosson,	Saunders,
Fitchpatrick,	Savage,
Francis,	Stuckslager,
Gates,	Taylor,
Gillilland.	Van Law,
Hammill,	White.
Hoyt,	

On request of Senator Saunders, leave of absence was granted Senator Whipple indefinitely on account of sickness.

On request of Senator Foley, leave of absence was granted Senator Quigley indefinitely.

Senator Dowell was called to the Chair at 10:40 o'clock A. M.

Senator Smith of Mitchell appeared before the bar of the Senate and was duly sworn.

President Smith resumed the Chair at 10.50 o'clock.

Senator Mattes offered the following resolution and moved its adoption:

Resolved, That the holdovers and re-elected Senators be granted the privilege of retaining the seats occupied by them at the last session of the General Assembly and that the names of newly elected Senators be placed in a hat and drawn out one at a time by the Secretary of the Senate and as each name is announced each newly elected Senator will select his seat from those unoccupied.

Adopted.

Upon the drawing of seats the following selections were made:

Proudfoot	20	Savage	50
Adams	32	Clarkson	11
Hunter	43	Bennett	13
Chapman	7	Fitchpatrick	6

Hammill	27	Larrabee	12
Hoyt	31	White	10
Sammis	19	Van Law	8
McCulloch	30	Allen	1
Ream	46	Francis	9
Brown	14	Parshall	2
Balkema	18	Cosson	4
Gates	23		

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

Carried.

Senator Stuckslager nominated S. W. Neal of Washington County for Secretary of the Senate and moved his election.

Those voting for S. W. Neal were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor Van Law, White, Whiting, Wilson—43.

Absent or not voting:

Chapman, De Wolf, Foley, Jamieson, Quigley, Ream, Whipple—7.

So S. W. Neal was declared duly elected Secretary of the Senate.

Senator Stuckslager nominated the following named persons for permanent officers of the Senate and moved their election:

First Assistant Secretary—Geo. A. Wilson.

Second Assistant Secretary—Jos. E. Meyer.

Engrossing Clerk—C. O. Edge.

Enrolling Clerk—DeWitt Norton.

Journal Clerks—Wm. M. Lewis, Wm. A. Lane.

Sergeant-at-Arms—J. H. Reese.

Bill Clerk—Paul Gilliland.

File Clerk—J. G. Cook.

Postmistress—Edna A. Dodge.

Chief Doorkeeper—N. J. Jolley.

Assistant Doorkeepers—B. F. Crail, B. I. Kinsey, D. A. Heisler, J. E. Winder, A. W. Hathaway, I. L. Rerick, A. D. Page, W. J. Medaris.

Chief Janitor—Jeff Logan.

Janitor Cloak Room—Wm. Coalson.

Janitor Toilet Room, P. S. Ervin.

Those voting for the above named person for their respective offices were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smth of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting, Wilson—45.

Absent or not voting:

Jamieson, Quigley, Ream, Whipple, White—5.

So the above named persons were declared duly elected to the respective offices.

The following newly elected officers of the Senate appeared before the bar of the Senate and were duly sworn according to law:

Secretary—S. W. Neal.

First Assistant Secretary—George A. Wilson.

Second Assistant Secretary—Joseph E. Meyer.

Engrossing Clerk—C. O. Edge.

Enrolling Clerk—DeWitt Norton.

Journal Clerks—Wm. M. Lewis, Wm. A. Lane.

Sergeant-at-Arms—J. H. Reese.

Bill Clerk—Paul Gilliland.

File Clerk—J. G. Cook.

Postmistress—Edna A. Dodge.

Chief Doorkeeper—N. J. Jolley.

Assistant Doorkeepers—B. F. Crail, B. F. Kinsey, D. A. Heisler, J. E. Winder, A. W. Hathaway, I. L. Rerick, A. D. Page, W. J. Medaris.

Chief Janitor—Jeff Logan.

Janitor Toilet Room—P. S. Ervin.

Senator Peterson offered the following resolution and moved its adoption:

Be it Resolved by the Senate, That the rules of the Senate of the

Thirty-second General Assembly be adopted with the following addition to Rule 28, viz.: "Each and every Committee Clerk selected shall be a competent stenographer," and the same be in force until the report of the Committee on Rules of this, the Senate of the Thirty-third General Assembly, is received and adopted.

Adopted.

Senator Dowell offered the following concurrent resolution and moved its adoption:

Resolved, by the Senate, the House concurring, That a joint committee be appointed consisting of six members of the Senate, to be appointed by the President, and six members of the House, to be appointed by the Speaker, to arrange for inauguration of the Governor and Lieutenant Governor.

Adopted.

Senator Maytag offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring, That a joint committee of three members of the Senate be appointed by the President, and three members of the House be appointed by the Speaker to nominate such additional employes, other than committee clerks, as may be deemed necessary for the session, including a mail carrier, and recommend the position and compensation of each.

Adopted.

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

Carried.

The President announced as such committee: Senators Clark, Adams, and Smith of Des Moines.

Senator Proudfoot moved that a committee be appointed to wait upon the Governor and notify him that the Senate is now duly organized and ready to receive any communication which he may desire to offer.

Carried.

The President announced as such committee: Senators Proudfoot, Van Law, and Moon.

Senator Saunders offered the following resolution and moved its adoption:

Resolved, That the Secretary of the Senate be instructed to procure suitable badges for such officers of the Senate as require badges and who are not already provided with the same.

Adopted.

Senator Allen of Pocahontas moved that a committee of three be appointed to notify the House that the Senate is organized and ready for business.

Carried.

The President announced as such committee: Senators Allen of Pocahontas, Balkema and DeWolf.

The President announced the following Inaugural Committee: Senator Dowell, Gilliland, Hunter, Hammill, Larrabee and Taylor.

Senator Saunders offered the following concurrent resolution and moved its adoption:

Resolved by the Senate, the House Concurring, That the Secretary of State be requested to furnish each member of the Thirty-third General Assembly a copy of the Code and the supplement thereto and the session laws of the extra session of the Thirty-second General Assembly and also a copy of the annotations.

Adopted.

Senator Dowell moved that the Secretary of the Senate be instructed and authorized to assign seats in the reporters gallery.

Carried.

The committee appointed to notify the House that the Senate was duly organized, announced that they had performed that duty.

The President announced that he had received and receipted for envelope bearing the endorsement "Statement and Specifications in the matter of the contest of A. F. N. Hambleton, contestant, against John F. Ream, incumbent, for the office of State Senator for the Fourteenth Senatorial District of the State of Iowa for the term commencing January 11, 1909, being the Thirty-third and Thirty-fourth General Assemblies of said State," and that the same

would be retained by him until the proper committee had been appointed.

Senator Seeley moved that a committee of three be appointed to provide chaplains for the Thirty-third General Assembly.

Carried.

The President announced as such committee: Senators Seeley, Savage and DeArmand.

Senator Dowell moved that the time for adjournment be extended fifteen minutes.

Carried.

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

The committee appointed to notify the Governor that the Senate was duly organized reported as follows:

To the President and Members of the Senate—Your committee appointed to wait upon the Governor, beg leave to report that we have performed that duty, and the Governor desires us to convey to this body his good will, and states that he will later deliver his communication to the General Assembly in joint session at such time as may be fixed for that purpose.

Senator Peterson offered the following concurrent resolution and moved its adoption.

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring, That a joint convention of the two Houses of the Thirty-third General Assembly be held Tuesday, January 12th, at 2 o'clock P. M.

That the Governor of the State be invited to read his message before the two Houses of the General Assembly in joint convention assembled and that the President of the Senate and Speaker of the House be appointed to deliver the invitation.

That the vote on Governor and Lieutenant Governor be canvassed at the joint convention and the result announced and recorded as provided by law.

Adopted.

The following message was received from the House:

MESSAGE FROM THE HOUSE.

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

Concurrent Resolution relative to joint convention Monday afternoon at 2 o'clock to receive the message of the Governor before the two Houses of the General Assembly.

C. R. BENEDICT,
Chief Clerk.

Senator Dowell moved that the time for adjournment be extended fifteen minutes.

Carried.

HOUSE MESSAGE CONSIDERED.

Resolved by the House, the Senate Concurring, That a joint convention of the two Houses of the Thirty-third General Assembly be held Monday afternoon at 2 o'clock, January 11th, in the Hall of Representatives, and that when this House adjourns, it adjourn until said hour.

Resolved, That the Governor of the State be invited to read his message before the two Houses of the General Assembly, in joint convention assembled, and that the Speaker of the House and President of the Senate be appointed a committee to deliver the invitation.

Concurrent Resolution was read for information.

Senator Peterson moved to re-consider the vote by which Senate Concurrent Resolution relative to a joint convention to be held Tuesday afternoon, January 12th, at 2 o'clock P. M., was adopted.

Carried.

Senator Peterson moved that the House Concurrent Resolution be amended by adopting the following substitute therefor:

Resolved by the Senate, the House Concurring, That a joint convention of the two Houses of the Thirty-third General Assembly be held Tuesday, January 12th, at 2 o'clock P. M.

That the Governor of the State be invited to read his message before the two Houses of the General Assembly, in joint convention assembled, and that the President of the Senate and the Speaker of the House be appointed to deliver the invitation.

That the vote on Governor and Lieutenant Governor be canvassed at the joint convention and result announced and recorded as provided by law.

Carried.

The House Concurrent Resolution as amended was concurred in.

Senator Gilliland moved that the time for adjournment be extended fifteen minutes.

Carried.

Senator Saunders was called to the Chair at 12:30 o'clock.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Concurrent Resolution relative to joint committee to arrange for inauguration of the Governor and Lieutenant Governor and names as committee on part of House: Sullivan of Polk, Harding of Woodbury, Goodykoontz of Boone, Dalby of Adair, Hunter of Polk, Dabney of Davis.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Concurrent Resolution relative to additional employes and names as committee on part of House: Kellogg of Harrison, Grier of Poweshiek, Boe of Winnebago.

C. R. BENEDICT,
Chief Clerk.

The President resumed the Chair at 12:40 o'clock.

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to additional employees and names as committee on part of House: Kellogg of Harrison, Grier of Poweshiek, Boe of Winnebago.

Passed on file.

Concurrent Resolution relative to joint committee to arrange for inauguration of the Governor and Lieutenant Governor and names as committee on part of House: Sullivan of Polk, Harding of Woodbury, Goodykoontz of Boone, Dalby of Adair, Hunter of Polk, Dabney of Davis.

Passed on file.

The President announced as Committee on Additional Employees, on part of the Senate: Senators Maytag, Allen of Van Buren and Gates.

Senator Bennett moved that the time for adjournment be extended fifteen minutes.

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 concurred in Senate Amendment to House Concurrent Resolution, in which the concurrence of the House was asked:

Concurrent Resolution relative to joint convention to receive the message of the Governor and to canvass the vote on Governor and Lieutenant Governor.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

Concurrent Resolution relative to Joint Convention to receive the message of the Governor and to canvas the vote on Governor and Lieutenant Governor.

Passed on file.

Senator Dowell moved that the Senate do now adjourn.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, TUESDAY, JANUARY 12, 1909.

Senate met in regular session at 10:00 o'clock A. M., President Smith presiding.

Prayer was offered by the Rev. E. F. Leak of Vinton, Iowa.

Senator Mattes moved that a committee of three be appointed for the assignment of committee rooms and times of meeting of the various committees.

Carried.

The journal of yesterday was taken up, corrected and approved.

Senator Saunders asked unanimous consent to be excused from the afternoon session.

Consent granted.

On request of Senator Peterson, Senator Clark was excused indefinitely on account of sickness.

The President announced as committee on assignment of committee rooms and times of meeting of the various committees: Senators Mattes, Francis, and Frudden.

The Senate took a recess subject to the call of the President.

President called the Senate to order.

The President announced that he in company with the Speaker of the House, called on Governor Warren Garst and delivered the invitation of the General Assembly to read his message for the two

Houses in joint convention assembled and that the Governor accepted such invitation.

Senator Maytag moved that the Senate do now adjourn until 1:50 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:50 o'clock, P. M., President Smith presiding.

On request of Senator Gates, leave of absence was granted Senator Sammis until Monday noon.

Senator Peterson moved that one teller and two assistant tellers be appointed on the part of the Senate to canvass the vote for Governor and Lieutenant Governor.

Carried.

The President announced as such teller, Senator Peterson and as assistant tellers, Senators Whiting and Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

Senator Allen of Van Buren, moved that the Senate do now proceed to the House for the purpose of joint convention.

Carried.

The President announced that the Senate would proceed to the House under the direction of the Sergeant-at-Arms to meet in joint convention.

Senate proceeded to the House.

JOINT CONVENTION.

In accordance with law and Concurrent Resolution duly adopted, the joint session was called to order, Hon. James A. Smith, President of the Senate, presiding.

The roll was then called and the following members responded:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Arney, Balkema, Balluff, Bascom, Bauman, Baxter, Beebe, Beery, Bennett, Boe, Boettger, Bonwell, Boomgaarden, Brandes, Brown, Bruce, Burgess, Byerly, Calkins, Cassady, Chapman, Clarkson, Cosson, Cooper, Crummer, Crozier, Cunningham, Dabney, Dalby, Darrah, Davidson, Dawson, De Armand, Dewell, Dewey, DeWitt, Dodds, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick, Felt, Fenn, Foley, Fourt, Frudden, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jewell, Johnson, Jones, Kendall, Klay, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McCleery, McDonald, McCulloch, McManus, Marston, Mattes, Maytag, Meredith, Miller of Dubuque, Moon, Newell, Nichols, O'Connor, Parshall, Perkins, Peterson, Proudfoot, Ream, Reaney, Reitz, Ripley, Ritter, Sankey, Saunders, Schee, Schroeder, Schulte, Seeley, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Stillman, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Tilton, Van Law, Ward, White of Iowa, White of Story, Whiting, Wilson of Clinton, Wilson of Tama, Wolfe, Zeller, Mr. Speaker—131.

President Smith declared a majority of the General Assembly present at the joint convention.

Senator Allen of Pocahontas moved that a committee of two from the House and one from the Senate be appointed to notify the Governor that the joint convention was in session.

Motion prevailed.

The President appointed Senator Allen, of Pocahontas, on the part of the Senate, and Representatives Dalby of Adair and Larrabee of Fayette, on the part of the House, as members of such committee.

The committee waited upon the Governor and escorted him to the Speaker's desk.

The President of the joint convention then presented Governor Garst, who read his message, as per previous invitation.

GOVERNOR'S MESSAGE.

To the Senate and House of Representatives of the Thirty-third General Assembly:

I congratulate you on the favorable conditions under which you assemble. Peace and tranquility in both state and national life bring about a condition encouraging to the best possible work on the part of a legislative body. Our State is particularly fortunate in the fertility of her soil and the abundance of crops, in the health and strength of the people and their enjoyment of all those blessings which come to an industrious and progressive people. Your labors will not be disturbed by contentions that might thwart the purpose for which you are assembled.

A somewhat prolonged experience in public life leads me to the conclusion that our state has been liberal in support of her institutions in a degree unexcelled by other states, and has yet sustained a conservatism which insists upon the expenditure of every dollar so there could be no rational ground for criticism. Meeting, as you do, under such favorable auspices, I have an abiding faith that you will continue this liberal conservatism in regard to all the matters that come before you.

The financial transactions of the State are shown in the printed reports of the State Treasurer and Auditor of State. These reports will show that the actual receipts of the state for the fiscal period ended June 30th last amounted to \$7,247,078, of which \$4,054,876 was derived from the state levy. The Treasurer reports a balance on hand of \$644,189. I am convinced that the accounts and funds of our state are admirably kept and that warrants have been drawn and money paid out strictly in accordance with the appropriations made. Our state is free of debt, taxation is not burdensome, we pay our way as we go, and our credit has been maintained, and thanks to the high character of those who have administered the affairs of the state, we are facing no vexatious problems in regard to finance.

The estimated receipts of the State, as computed by the State Auditor, for details of which I refer you to his report, will be for the biennial period ending June 30, 1911, about \$7,605,400. By off-setting this with the regular continuing appropriations and all appropriations made and not yet expended, he estimates that you will have available for extraordinary appropriations about \$1,500,000. Further on in what I have to say to you, I shall make recommendations that will materially increase the revenues of the state, and if you adopt these measures you will be entitled to take into account, in making up your appropriations, these additional revenues.

GENERAL AFFAIRS OF THE STATE.

The affairs of the State can only be reviewed in general terms, and I shall not enter into details of the many things done in which we all take

just pride; but I may at least point out clearly the direction of our progress as a help to you in meeting your immediate responsibility.

The Nation is passing through an era of change leading onward and upward to higher ideals in law and the administration of government, and to a better and sounder basis for the conduct of business. There has been an awakening to a sense of personal responsibility such as to sanction that which seems to some persons to be almost revolutionary; but that the people applaud the steps taken and a great majority have recently approved a program of further development of the best ideals, indicates they are sincere, earnest and firm in their demand that all the activities of our private and public life shall be made to harmonize with the eternal principles of right and justice.

An unbiased survey of the history of our beloved State shows that within the scope of our rights and the limits of our authority we have been meeting this demand of the people for the better things. You are to be congratulated, at least to this extent, that at a time when in some states and in the nation as a unit, men are still struggling for a right beginning, here in Iowa our contentions are all of the past and we have entered peacefully upon the agreeable task of making secure and permanent the advance which has been gained.

The perfection of our election system so as to give every voter the direct and independent participation in government contemplated by the founders of the republic was undertaken long ago. The polling places were cleared of the petty vote buyers and the voter was required to hide himself as he performed the most sacred duty of citizenship; but all this was insufficient so long as the selection of candidates was left to chance or the machinations of the few. The principle of legal regulation of party nominations was adopted to firmly establish the right of free choice of the representatives and servants of the people. As a still further protection from some of the grosser agencies for political evil, the political pass was banished and direct corporation activity in politics was forbidden under severe penalties, and finally requirement was made for publicity of campaign expenditures. Iowa has gone far in the direction of guaranteeing a perfectly clean political system.

But regeneration of political methods has been only a part. There has been honest effort, with what success may well be left to the future, to improve all our laws, and especially those which touch our business and industrial life. This has led to modifying and strengthening the laws with reference to corporations, railroads, drainage, transportation, banking, highways, insurance and kindred matters; preservation of the public health as by requiring pure food, safety appliances, limiting hours of labor and regulating child labor; acceptance of a code that all experience has shown to be best adapted to reformation of evil-doers; encouragement of agricultural and industrial education and support of fairs and expositions; adapting school laws to modern needs; aid has been given the poor victims of drug and liquor habits and a retreat has been provided for consumptives; and the too long delayed publication of a roster of Iowa soldiers has been commenced.

REBUILDING OUR INSTITUTIONS.

While these things were being done there has been no neglect of the imperative duty of virtually rebuilding our state institutions—educational, charitable and reformatory. Iowa has today fifteen institutions under the Board of Control that will compare favorably in equipment and management with those of any community of similar population in the world. At the three state educational institutions there has been laid at least the foundation for enduring greatness. At these eighteen institutions there is being expended annually for support about \$1,900,000. More than 6,500 young people are receiving instruction at the educational institutions and more than 8,500 persons are cared for at the other institutions. It is immensely to the credit of our people that they have authorized this expenditure and a matter of congratulation that the disbursement of this large sum is so wisely made that all criticism is disarmed.

It is proper to digress here and to state that which is more or less familiar to all of us that these institutions are of comparatively recent development. The state of Iowa is now sixty-two years old. The territory passed over to the state a small structure used as a capitol and a cell house for a prison. The eighteen great institutions have been built by the State. In the first fifty years of statehood there was expended for permanent improvements on these institutions less than six million dollars; in the twelve years last past the expenditures aggregated more than nine million dollars—or, in other words, our state has invested 50 per cent. more in twelve years than it did in the first half century. There is being invested now in land, buildings and equipment an annual average of about \$800,000—at least a part of which represents unwise investments of the past.

I submit that it is immensely to the credit of the State that provision has been made for these great institutions so necessary to the proper development of our life, and that we are building permanently and making investments that will continue for all time, returning to us annual dividends in the form of better citizenship.

STATE CAPITOL IMPROVEMENT.

I feel that you and all the people of the State ought to be deeply interested in the matter of providing a suitable setting for our magnificent State Capitol. It stands today a monument to the good judgment of those who planned it and provided for its creation, and to the faithfulness and integrity of the self-sacrificing men who devoted the best of their lives to its building. Iowa can never pay its debt to Finkbine, Dey, Foote, Wright, Foreman and others of the Capitol Commission. They did their full duty; and partly in their honor and partly that we may complete what they so well begun, it seems to me there is an obligation upon this generation that we make the surroundings and approach to this great structure comport with its dignity and architectural beauty. We have provided in part for the interior decoration; we have neglected the exterior and environment. I would recommend, therefore, a commission authorized to purchase land adjacent to the capitol grounds, with the

right of condemnation where necessary, and with funds sufficient to secure such land as may be deemed necessary to provide a beautiful boulevard of approach and surroundings. An appropriation of \$150,000 would probably suffice.

In making this recommendation I realize that there are those among you who may feel I have gone far out of my way; but I would call your attention to the fact that a very large part of the total cost of the present Capitol represents ornamentation. We ought to make the building and its surroundings beautiful. We ought to make the whole an object of pride to all our people, something that will be an inspiration to better citizenship and that will give Iowa higher standing in the family of states. I feel so deeply upon this question, I am loath to leave it for the more practical matters, but I have full faith that after mature consideration you will see your way clear to provide for this commission.

AGRICULTURAL AND MILITARY HALL.

In this connection I would suggest that we might well recognize at this time that our Capitol is not a sufficient workshop for all those who labor in the service of the state. It was not possible for those who planned the state house to understand how much work would be done by the officials and employes of the state. We should therefore take at least a first step looking to the erection of an agricultural, industrial and military hall. This might properly be similar in design to the historical hall and library. There should be ample offices for the Department of Agriculture, with its allied bureaus dealing with dairying, horticulture, stock breeding, veterinary, pure food and crop service; the Commissioner of Labor, Mine Inspectors and Geological Survey; the Board of Health, Dental Board and Pharmacy Board; the headquarters of the Iowa National Guard and a commodious armory. There should be a hall suitable for a drill room, for examination classes, and for public meetings. It is no exaggeration to state that more than half the business of the state is now done in offices wholly inadequate and that were originally intended for storage rooms. Already the state has started the policy of surrounding the capitol with small office buildings, a policy which can best be avoided by planning now for one commodious building such as I have suggested. At least the site should be secured and plans be adopted so that the work may be done as soon as convenient.

SCHOOL LAWS AND EDUCATION.

A commission was appointed under authority of the Thirty-second General Assembly to investigate and report to you upon the need of changes in the school laws, and I believe that the report which will be laid before you will show that the commission has devoted itself industriously and thoughtfully to the task, so that great good will result. The chief problem was that of suggesting amendments to bring our educational system, especially that part which relates to the rural schools, into conformity with modern ideas and enable us to get best possible results from the very large expenditure for schools. It needs little argument to show that codification of the school laws is advisable. The present laws

are notoriously vague, defective and conflicting, due to the fact that they have been built up piece-meal. The effort to graft new ideas upon the old laws has been only partially successful. I am convinced the codification in line with the recommendations of this commission is essential. Among the important changes suggested by the Commission is that of substitution of the county district for the township district, better facilities for consolidation of rural schools, greater economy in handling school finances, and preservation of the best features of our present certification plan. Important changes are also suggested in regard to the county superintendency and the scope of the State Board of Education.

I urge you to read the commission report, and in this connection the admirable report of the Superintendent of Public Instruction. All their recommendations should be taken into consideration, for I feel sure that there is no more important matter to come before your body. In the formation of the bill you should bear in mind that the ultimate object sought is that of improving our school system so as to benefit the largest number. Having provided for compulsory school attendance, we should make good schools compulsory.

We maintain worthy educational institutions for the blind and deaf children of the state, but we do not give to these children the same protection we do to those of normal faculties. You should investigate and determine whether we should not require the attendance of blind and deaf children at schools that are provided for them.

TRAINING THE YOUTH FOR LIFE WORK.

Within recent years there has been an awakening throughout the United States to the importance of providing as a part of our public school system something that will more definitely give to our young people training in the useful occupations and better prepare them for their life work. The demand seems to be just now for manual training and for instruction in scientific agriculture and the domestic sciences. Some of this is being done in the town and city high schools, and it is found to be very helpful. Our State College has done much to give the young people this special training. But the fact remains that there is a very large proportion of children who do not continue in school beyond the eighth grade and who cannot avail themselves either of the opportunities of our high schools or of our colleges. These young people become the bread-winners of the state. They need special training in useful occupations. I am convinced we must meet these conditions in a way little dreamed of by our forefathers. Something must be done for this large class which does not now remain in school but a few years. I believe we can well afford to take a step in the direction of the establishment of special schools in manual training, domestic economy, practical agriculture and giving military training. The provision for military training is important, because it is from this class that will be recruited our army of national defense when needed. But the chief value of these schools would lie in the fact that we would be preparing to meet the coming world competition in the arts and industries. There is no doubt whatever that this competition will be felt far more in the future than in the past, and we should give to our state a body of trained and

skilled artisans capable of maintaining industries the equal of any in the world.

You are doubtless aware of the movement for co-operation of the federal government with the states in training the young people in useful occupations. The time is not far distant when we will be called upon to decide whether Iowa shall join in this co-operation. In other states schools of agriculture are already in operation. The success of the agricultural college extension work shows there is a real demand for this in Iowa. As a preliminary, we ought to begin to prepare our teachers to give instruction in agriculture and other industrial lines. This work should be taken up without delay at the state educational institutions. It has been suggested, and I believe with propriety, that the state might well assist private colleges and educational institutions in development of courses where this special training of teachers is made a feature.

This whole matter at least deserves your careful investigation, to the end that our state does not fall behind in a movement already of National proportions and which must inevitably add much of practical value to our school system.

INSTITUTIONS OF HIGHER LEARNING.

The people of Iowa are to be congratulated upon their State educational institutions. By reason of the liberality of your predecessors these institutions are being built up to the measure of greatness of our state. They are at a critical period in their history. They are entering upon an era of expansion far beyond the dreams of their founders, in which will be realized the fondest hopes of the good men and women whose lives have been devoted to their upbuilding. The reports from these institutions that will be laid before you will show that the past biennial period has been one of wonderful progress and development at all three of these institutions; that the work of higher education of the youth has been better done than ever before; that the student enrollment has been increasing steadily and at a rapid rate; and that all are crowded to the full capacity of the equipment and teaching forces. We must go forward and provide for the thorough education of those who present themselves at the doors of these institutions. Our failure to do so would discredit us everywhere. However devoted and forceful may be those who are at the head of the various departments of these institutions, they cannot do justice to themselves or to the people unless they are provided with buildings, equipment and a sufficient faculty. Your obligation cannot be evaded. It is for you to decide whether or not the forward movement shall be continued.

In this connection, I wish to emphasize the thought that appropriations made for these institutions are not to be considered as in any sense an extravagance. These are in the strictest sense permanent investments upon which we may reasonably expect to secure profitable returns indefinitely.

In considering the question of support, it is well to know that in view of the increased cost of living it is absolutely necessary there shall be readjustment of salaries, if we are to maintain the high standard. Support and contingent funds must keep pace with the changing conditions

of life. Everything should be done to strengthen and encourage those who are engaged in this noble work. There should be no deviation from the policy of affording facilities for the training of our own teachers, and the education of our boys and girls in the professions and for special industries.

THE STATE UNIVERSITY.

The University is properly the head and center of the whole educational system of the state. Our progress will always be measured to some extent by the success and standing of our University, which has already attained high rank among institutions of like character, but which is coming to a time when its power for good will be greatly increased. The growth of the student body continues at a rate which makes it imperative that there shall be continual adding to the teaching force. There should unquestionably be additions to the support fund, and I invite thoughtful study of the report of the Board of Regents, so that you may act with full knowledge of the needs of the University.

An inadequate campus has always been a serious obstacle to the development of the University. I recommend the purchase of additional land, and suggest an appropriation of \$100,000 for securing acreage across the river to the west. I believe the state must ultimately acquire this property, and when it is connected with the old campus by a concrete bridge, the University will then have opportunity for expansion as it should. The opportunity thus made for giving the University more beautiful surroundings will be an inspiration to all who come within its influence.

In view of the fact that the University is becoming a great institution for the education of young people of both sexes, provision should be made for a women's building. I would recommend an appropriation of \$125,000 for this purpose, with the restriction that the cost should not exceed \$1,000 per capita for those accommodated.

STATE AGRICULTURAL COLLEGE.

I am convinced that nothing has so added to the educational, material—and incidentally the spiritual—welfare of Iowa people as the great school of Agriculture and Mechanic Arts at Ames. It is world-wide in the scope of its influence, and in an increasing degree must go on shaping the destinies of a large proportion of our people. I believe it is one of the most profitable of the agencies our state maintains, and it is not entirely from philanthropic motives we desire that its sphere of usefulness be enlarged.

Our 56,025 square miles of the most fertile land known give us in abundance of the things which go to the making of the better life, but the future has greater things in store for our people. Secretary Wilson says, that while for years there seemed to be a decrease in the capacity of our soil to yield, there has been a material increase in the past decade—no doubt due to the general awakening for the necessity of better crop conditions. He believes, and I think you will agree with him, that we may make our farms still more productive. In this work the college at Ames has an important part to play.

The campus at Ames is ample, but buildings and equipment are needed. Here, as elsewhere, there is also special need of a material increase in the support fund, so that better salaries may be paid and the faculty can be enlarged to meet all needs.

There is a demand coming from the fathers and mothers of the state that the equipment of the college be the best, and in view of the desire for training in domestic science, there should be better facilities afforded for instruction in this important branch of education.

You are called upon to deal with an institution enrolling 1,900 in college courses, and giving indirect benefit to very many more. Through the agricultural extension work the influence of the institution is felt in every corner of the state, and it is at all times inspiring and helpful.

The report of the trustees discusses very fully the work and needs of the college, and you should familiarize yourself especially with that part which discusses the need of better support and increase of faculty.

STATE NORMAL SCHOOL.

The Normal School has shown wonderful growth and its usefulness has been extended to the entire state because of the supply of trained teachers going into every part of our community. The report of the president and trustees of this institution calls attention to the demand that the Normal School provide for the training of commercial teachers for high schools, and suggests the organization of a force equipped with farm and laboratory to commence the work of preparing for instruction in scientific agriculture. The needs of the school should carefully be considered.

We should have greater facilities for the training of teachers, and I am of the opinion that the time has come when we should decide upon the location of an additional normal school. It certainly is not extravagant to desire the thorough training of substantially every teacher in the state. Of the twelve million dollars expended annually for educational purposes there is a very large part wasted through the employment of inefficient teachers and the multiplicity of small schools. We should lessen this waste as rapidly as possible.

HISTORICAL DEPARTMENT AND LIBRARY.

Since the adjournment of the last general assembly the State Library has been moved into its new quarters, and the law library and the general library has been separated. The Historical Department, which occupies jointly with the State Library the fine building near the state capitol, has suffered an irreparable loss in the death of Hon. Charles Aldrich, its founder, and for many years its faithful curator. These events remind us that our laws in regard to the Historical Department and library are conflicting and there seems to be necessity for a re-organization of these departments. I would suggest that you counsel with the library board as to the best method of placing this educational work upon a sound and enduring basis. The Historical hall should be completed. There should also be some provision made for the acquisition of works of art that would be of influence in shaping the thought of our people.

Among the most valuable of the educational agencies of the state is the Free Traveling Library, under the direction of a State Library Com-

mission, and its field of service has steadily grown. Its mission is the dissemination of good literature throughout the State by a practical method of lending books. By this means in the remotest farm houses good books are made accessible that stimulate to higher ideals and aid in the development of the material welfare of our state. This work has expanded rapidly, which indicates that it is very much appreciated. The work of the Library Commission in stimulating sentiment in favor of local libraries has also been valuable. You should not neglect to make ample provision for continuing this work.

REGULATION OF THE LIQUOR TRAFFIC.

There is no doubt that the trend of the times is in the direction of the thorough control and reasonable restriction of the traffic in intoxicating liquors. The tendency to decrease rather than to enlarge the area in which the traffic is permitted under legal sanction meets the approval of the people generally.

I am a firm believer in local self-government, and each community should be left to the control of its own affairs just as far as possible without interfering with the interests of society as a whole. But I believe that the law should be amended so that the machinery for the enforcement of the regulations surrounding the saloons and the liquor traffic will be strengthened and be made effective in every community of the State. The Governor, and through him the Attorney General, should have the unquestioned power to fulfill the requirements of the constitution as to the enforcement of the laws. I feel sure that this would eliminate many of the abuses which have prevailed in the past.

I regret that the limit was placed at five years instead of at three years in the law requiring renewal of consent petitions. However, a year from coming July new petitions will be required before saloons can legally exist in any community, and I doubt not that it will result in materially reducing the so-called saloon area of the state.

In quite another way, I believe there should be reform in our attitude toward the liquor traffic as shown in our laws. I would recommend that you memorialize Congress for a change in the Revised Statutes so that it would be definitely provided that the initiative for issuing a federal license for the sale of intoxicating liquors would be with the local community directly interested. In other words, the United States should recognize the right of each community to regulate or restrain in a reasonable way the sale of intoxicating liquors. The federal government should not legalize so far as it can do so, the liquor traffic in places where the people do not want it to be legalized or tolerated. And when a federal license is issued, the holder thereof should be compelled to post it in a conspicuous place and to confine his dealings to a definite place of business. I believe this would go very far toward reducing to the minimum the evils of the system, and I am sure that if the Congress sets itself earnestly to the task, it will find a way to give to the people in this matter, as in others, a measure of self-government so vital to the people.

Our laws now recognize as an evil the traffic in intoxicating liquors, and we all know that the saloon and the saloon influence are baneful. I

believe it should be your policy, in every move you make, to strengthen the barriers we have tried to place between the saloon power and our boys and men, and to give to society the fullest measure of protection.

There is no more legitimate business in the state than the dispensing of drugs. A very large per cent. of these people comply strictly with the law, but there are exceptions that are so glaring in character that it seems almost necessary to throw additional safeguards around them. Men who are supposed to be dispensing medicine for the cure of the body often do that which is destructive of mind, body and soul. I would therefore recommend a most careful scrutiny of our law governing pharmacies, with the view to destroy, as far as possible, this nefarious branch of this very worthy business.

THE STATE'S LEGAL DEPARTMENT.

I desire to place especial emphasis upon the admirable and instructive report which has been made by the Attorney General with reference to the Legal Department of the State. If you will read this report, as you must, you will be led to the conclusion that this department ought to be expanded and strengthened and that by so doing its usefulness will be enhanced many fold. The Attorney General recommends that it be made possible for the Governor to "take care that the laws are faithfully executed," by giving him the power, upon proper complaint, to remove Peace Officers, Mayors and Prosecuting Attorneys. This may seem like a radical step but it is proposed as a measure to eliminate evils that are destructive to our whole social system. He suggests a re-organization of the Attorney General's department along the lines of the Department of Justice in the National Government and he gives reasons for this change which are worthy of your thoughtful consideration.

Other similar important recommendations are made by the Attorney General which I will not take time here to enumerate but I suggest to you that you cannot perform your full duty unless you have given this report a careful reading. That which he has in mind, I take it, is better enforcement of the laws of our state, and there is no one thing upon which we should all agree so readily as that the laws which we have should all be enforced impartially as to persons and places.

The State is fortunate indeed in having in its Legal Department men who regardless of criticism and possible political effect, have gone on and looked after the affairs of the Commonwealth. I especially commend to the people of Iowa the magnificent work done by Mr. Byers, and his assistants, Mr. Lyon and Mr. Cosson. I feel that we all owe to these men a debt of gratitude and that they have reduced the law violating portion of our people to a degree not reached before in a quarter of a century and have aided materially in the better development of that which we hold most sacred, better citizenship.

RAILROAD COMMISSION AND TRANSPORTATION.

Iowa was one of the first states to clothe its Railroad Commission with power for the settlement of all controversies relating to commerce within the state transportation lines. The right of the state to supervise and

regulate these matters has long been accepted as final and right, but there is insistence that with regard to rates, classification, assessment, taxation, discriminations and details of the service, there must be absolute fairness to all interests. The transportation problem, in its various state and interstate phases, is the greatest single problem confronting our people, and we should leave nothing undone that will further its early and satisfactory solution.

The State Railroad Commission has authority only within the state and over railroads and express lines, but there has been such changes in the business world and so great a development of conflicting interests, that a reasonable expansion of its powers seems to be necessary. The commission should have authority over the telegraph and telephone lines as much as over other common carriers. The Commission should also have some measure of authority over the public utilities of the State, such as street car lines, waterworks, gas and electric plants; but care must be exercised so that there is left with the municipalities sufficient power for the proper police regulation of these private enterprises. Matters purely local must be left to the local communities.

To enhance the efficiency of the Railroad Commission the salaries of members should be increased to not less than \$3,500 a year and they be required to devote their entire time to the work. Instead of being elective, these offices should be appointive, the Governor appointing the members subject to confirmation by two-thirds vote of the Senate. Provision should be made, however, for continuing in office to the end of their present terms the members who have been elected by the people. The term of office of members should be extended to six years.

For the enforcement of our general laws for the protection of society we have provided officers to represent the people, and in our courts those who pass judgment have long since ceased either to investigate or to prosecute; but our state and interstate commissions dealing with transportation still try to combine both functions or leave to chance the complete preparation of cases they are called upon to decide. If these tribunals are to properly dispose of their work and be free to judge impartially, they must have before them full information as to all questions involved, not on one side but on both sides, and to do this they must take on the character and methods of courts and be relieved of some of their responsibility for investigation and preparation of cases. It ought to be apparent to all of us that in the development of the system new and larger problems have come up, and these are so complicated and difficult that their investigation should be entrusted only to men of special skill and having opportunity for thorough preparation. We desire that these questions be settled and settled right. We want only justice and fairness. The state should be placed on an equality with the corporation. We should not seek advantages nor neglect our rights. Until this is done we cannot expect satisfaction from these tribunals having to deal with the controversies between shippers and common carriers.

I therefore recommend that you provide by appointment for an attorney on behalf of the state to have charge of all controverted questions before the Railroad Commission in which the rights of the people are in any

way involved, and who shall also appear before the executive council in all matters involving any of the activities which are under the Railroad Commission. He should be required to devote his entire time to the study of those questions that are likely to come before either of these bodies for adjustment or adjudication, and should have at his disposal facilities for making thorough investigation and preparation of all cases. He should be appointed by the State Executive Council, subject to removal at will by that body, should give his entire time to the work and receive a salary of not less than \$3,000.

It may be thought that in entering upon the field of interstate commerce we are going beyond our duty as a state, but when it is understood that a very large proportion of the transportation business of Iowa is interstate in character, it is imperative that we make ample provision for protecting ourselves.

HIGHWAY AND CONSERVATION COMMISSION.

The crying need of our times appears to be betterment of the social conditions upon the farm. Agriculture is and ever will be the backbone of our prosperity, and agricultural conditions are dependent to a large degree upon the social conditions in the rural communities. It needs no argument to show that these will be greatly improved by the construction of good roads.

I would, therefore, recommend the reorganization of our State Highway Commission and making it a commission to deal more broadly with highway construction, waterways, forestry, and the conservation of all our natural resources. I believe that this commission should consist of five persons, including at least one skilled engineer and two recognized experts in agricultural affairs; the commissioners should be paid a per diem of \$10 not to exceed sixty days each year; there should be a secretary of the commission devoting his entire time to the work, and offices should be maintained in the State Capitol.

This Highway and Conservation Commission should be empowered to investigate, plan for, and direct matters relating to the building of permanent highways, drainage, the development of rivers, the establishment of canals, water power, forestry, the disposition of noxious weeds and similar related subjects. The Commission should make a comprehensive report to be published for public distribution.

This commission should be empowered to appoint a State Superintendent of Highway Construction, who should have general charge of the construction of the roads where state aid is received. The Commission should approve all plans for construction as prepared by the County Highway Superintendents and indorsed by the Board of Supervisors.

This Commission should be directed to make at once a complete investigation of our rivers and waterways and be authorized to secure expert testimony as to the possibility of the development of canals and waterways within the state; the Commission should also determine and report upon the availability of our rivers for water power and the development of electricity where such rivers cannot be used for transportation purposes. The movement on the part of the federal government to develop our national waterways means that in a very short time we must decide

in Iowa whether or not our streams shall be used for transportation or be preserved for their water power. This commission should furnish to the next legislature sufficient data so that action would not be delayed. The commission should in general have direction of all matters pertaining to the conservation of our natural resources.

CONSTRUCTION OF GOOD ROADS.

The people of Iowa annually spend about \$4,000,000 in road building. It needs no argument to convince our people that this money could be expended to better advantage than it is at present. The state should enter upon a policy of general aid to the local authorities in the construction of permanent highways and I would recommend an appropriation equal to thirty cents per capita of the population distributed among the counties on this basis and this should all come from the state saloon tax as provided for in the suggestion made elsewhere. According to the census of 1905 this would make available for highway construction \$663,015. This money should be used in the construction of permanent highways upon the basis of the state paying 45 per cent. of the cost, the county paying 45 per cent., and the Township 10 per cent. Under certain conditions the Board of Supervisors might direct that the County pay 55 per cent., leaving the Township free of special obligation where it is not directly benefitted.

Provision should be made for a County Supervisor of Highways under appointment of the Board of Supervisors, he to be a civil engineer and who shall also act as the County Surveyor. He should have charge of the plans and specifications for highways where state aid is desired and the plans which he prepares should be approved by the Board of Supervisors, subject to the further approval of the State Highway and Conservation Commission.

This is an entirely new departure in road construction for our state but it is in line, as I believe, with the best systems that are in use elsewhere.

It has been suggested, and I believe with propriety, that if we are to enter upon this policy of State aid in the construction of permanent highways the local road levies might be changed. I would recommend that authority be given the counties to levy a tax of two mills and the townships three mills.

As drainage is one of the most efficient means of road construction, I recommend that the board of trustees or county boards be authorized, where it is thought desirable, to enter upon private property for the purposes of putting in sub-drainage, paying a reasonable compensation for any damage sustained by the property owner.

DEPARTMENT OF AGRICULTURE.

The general scope of usefulness of the Department of Agriculture has been so broadened that it is now regarded as one of the most valuable departments of the state. Its continued usefulness will depend upon the support it receives. The department should be encouraged to come into

the most intimate relationship with the people of the state, and to become the avenue through which is collected all information regarding agricultural resources and dissemination of such information where it will be most valuable.

If afforded the facilities for doing so, this department is capable of doing a great work in advertising to the world the opportunities which abound in our state. We have the finest agricultural lands known, and with this and other natural resources there is practically no limit to the capacity of our state for support of a vast industrial population. The facts should be known and the truth heralded to the world. This department should be equipped for engaging in publicity in a practical manner. The support fund should be increased.

The value of the State Fair, as a great summer school of agriculture and industry, cannot be over-estimated. The substantial increase in equipment for the State Fair is appreciated by the people, and attendance is steadily increasing. It seems to me we must continue, at least for a time, the policy of building permanent structures for the State Fair. I would recommend an appropriation for a fire-proof amphitheater to avoid the constant danger because of the present structure. It is unwise to invite our people to be our guests at the State Fair and expose them to unnecessary risk.

The State Board of Agriculture is asking for some minor changes in the law with a view to increasing the efficiency of the work now done, and these askings deserve your thoughtful consideration.

BOARD OF CONTROL.

The report of the Board of Control has been printed and is before you for consideration. I feel that beyond calling your special attention to this report, I need say little. The people of Iowa are to be congratulated upon the fact that this board has maintained the high standard which marked the inauguration of such a great reform, and its management of the various state institutions has been such as to fully satisfy the people. At the institutions under the control of this board there are now cared for more than 8,500 persons, and more than 1,300 employes are under the direction of the board. By reason of the careful management and thorough business methods which this board employs the cost of maintenance of these institutions has been materially decreased, despite the enormous increase in the cost of all supplies. The purchase of farms has been a considerable factor in keeping down the expenses of maintenance; at the same time there can be no doubt that our state wards are better cared for than ever before, and it is doubtful if there is a state in the Union where the management of the institutions is so entirely free from all political or local or selfish influence.

The appropriations asked for by this board are mainly for small items for the purpose of equipment or completing the buildings already under construction and for making material improvements in the grounds and work shops. The askings of the board seem to be modest and sensible.

The board renews its recommendation that it be relieved of the responsibility of reporting on the financial transactions of the State

University, State College and Normal School. This is the one absurdity in the Board of Control law and its repeal should be immediate.

The board recommends the purchase of land for the establishment of an epileptic colony. I am not sufficiently familiar with the facts to enable me to advise you in this regard, but the fact that the board recommends it indicates that there is merit in the proposition. The board also recommends additional buildings for the tuberculosis hospital and as this is the newest of our institutions, of course additions will be necessary from time to time.

Among other notable recommendations of the board which deserve your attention is that of the repeal of the law under which pension money is withheld from residents of the Soldiers' Home for infraction of the rules, as this is in conflict with the federal statutes; also that all children at the Orphans' Home be made wards of the state; also that there be a minimum allowance for support of the School for the Deaf and at the College for the Blind; also that no child under ten years be committed to either of the Industrial Schools, and also some simplifying of the laws regarding payment of certain claims at the Hospital for Inebriates.

PREVENTION OF TUBERCULOSIS.

Inasmuch as the public health is one of the largest assets of the state, measures which directly or indirectly benefit the health of our citizens should receive serious consideration. Our state recognizes the preventable nature of tuberculosis and that this terrible scourge is amenable to intelligent repressive measures. Not only have we an institution especially provided for those who are unable to properly care for themselves, but we have entered upon a policy of educating the people directly as to their dangers and duty, and pointing out to them what they can do to lessen the harm which comes from this cause. When we remember that more than 2,000 lives are sacrificed annually to the white plague, and about 80 per cent. of these victims die between the ages of fifteen and forty-five, and when it is known that every one dying spreads the infection, it is not hard to compute the financial loss to our state. An educational campaign extended generally throughout the state has brought much enlightenment to our citizens and bids fair to aid greatly in exterminating the white plague. This work under the Board of Control has been efficiently conducted, and it would be wise to continue it with more ample funds, if necessary.

PRIMARY ELECTION LAW AMENDMENT.

I hope and believe the primary election law is indelibly upon the statute books, for in my judgment it is the only system of making party nominations that will stand the test of time; but we should not hesitate to amend the law as its weaknesses come to our attention. Already we have been compelled to resort to a special session of the legislature to amend the law to meet conditions not foreseen. The alphabetical arrangement of names upon the official ballot is found to be unfair to candidates and to the voters, and some form of rotation of names ought to be provided so that all candidates shall be on an equal footing. It were better to have

no law than to thus fail of giving all candidates an equal chance. I am sure you will find a way to remedy this defect.

There has been considerable friction over the division of expense, and as it is immaterial to the taxpayer how this burden is distributed, I would suggest that the entire expense be borne by the counties, since the county boards have the best opportunity for scrutinizing the bills.

Uniformity in the printing of the bills should also be provided, to the end that the expense be not more on one community than another, and there would be a reduction in the total cost. The discrepancy in bills presented to the state indicates there should be limit to cost as a matter of safety to the taxpayers.

ADJUSTMENT OF OFFICIAL DUTIES.

Much progress has been made in the adjustment and re-arrangement of the duties of the various state officers and providing for a more perfect accounting system. One may now trace to its destination every dollar of taxes or fees received. The financial transactions of the State, large and small, are upon a business basis, but in order to do this new duties and responsibilities have been placed upon the state's servants. To lighten the burden, we might well go further by grouping together departments that are related, and in line with this thought I would urge these changes:

The Department of Public Accounts should be placed under the control of the Secretary of State.

The Department of Banking should be attached to the office of Treasurer of State.

The Department of Insurance should be a separate and independent department.

The task of compiling criminal statistics should be combined with similar duties of the Board of Parole.

All of these adjustments should be in the interest of more economical handling of the business of the state and would avoid duplication of work in many cases.

STATE INSURANCE DEPARTMENT.

..

I believe that the State Insurance Department should be independent and under the management of a Superintendent of Insurance, appointed by the governor, subject to approval by the senate, with an adequate salary and sufficient office force. This is in line with the recommendation of the Legislative Insurance Commission and of the State Auditor in various reports in the past. It would be simple recognition of the fact that our insurance interests have grown to such proportions that for the protection of the public, and the proper regulation of the business, Iowa should get in line with the other states having similar insurance interests.

Iowa is recognized as one of the great insurance states of the Union. My judgment is that this business can be extended almost indefinitely by proper legislation, bringing into the state a vast wealth from outside sources little dreamed of by those who have not given the matter special consideration. This all has a tendency to increase the wealth of the state and is ample justification for any slight additional expenditure that

may be occasioned by such a department over our present antiquated and inadequate system.

REVISING OUR TAXING METHODS.

There has been a growing sentiment in the state in favor of a commission to investigate our very inadequate laws governing taxation. I would recommend the appointment of such a commission, numbering three members especially qualified by their general knowledge of the subject to be treated, who should be required to make a report to the next General Assembly. This would cost but a small sum of money and if the commissioners are responsive to the duty imposed on them their work would no doubt be worth many times its cost.

MORTGAGES, MONEYS, AND CREDITS.

A number of states have enacted laws requiring mortgages to pay a small recording fee in lieu of all other taxes, with the result that while they have received substantially as much revenue, the burdens fall more equally upon the holders of this class of property. It is well known that mortgages of all kinds and character pay but a ludicrously small tax, and the tax that is paid is generally from those who should not have the burden placed upon them. I believe that under the system I suggest rates of interest would be so lowered that the borrower would receive even greater benefit than the lender, owing to the fact that under our present system the lender pays comparatively no tax while by the change no doubt the borrower would get a materially less rate. I would recommend that you place upon the statute books a law requiring that all mortgages recorded shall pay a fee of one-half of one per cent. in excess of the regular recording fee as now provided.

ANNUAL FEES FROM CORPORATIONS.

A bill should be passed similar to that introduced into the senate of the Thirty-second General Assembly by Ericson of Boone to require an annual report from all corporations and a filing fee. Men engaged in business seek to avoid financial responsibility through organization under our corporation laws. This is desirable and proper, but it seems to me that the exemption enjoyed is of such value that those who claim its benefits should be willing to pay for the same. This is no innovation, for we find that our corporations when doing business elsewhere are required to pay annual fees in many of the states. A law of this kind would probably add from one hundred fifty to one hundred seventy-five thousand dollars annually to our state exchequer and still be within the bounds of reason and fairness. I most earnestly recommend it for your consideration.

DIRECT INHERITANCE.

I recommend a direct inheritance tax substantially in the form of the bill which passed the senate of the Thirty-second General Assembly. This seems to me a fair and equitable proposition. It provides for the

exemption of the first ten thousand dollars of individual inheritance, then a tax of one per cent. on the second ten thousand dollars, and an additional one per cent. on each added ten thousand dollars, until a maximum of five per cent is reached, which is to be applied to all above fifty thousand dollars. In view of the fact that inheritances are made possible only through organized society it seems to me that the state has a right to exact these small sums which in the aggregate would add largely to the revenues of the state and be from a source where the burden would be felt less than in any other form.

TAXATION OF THE LIQUOR TRAFFIC.

The state has a law governing the saloons which are legally operated. At this time I desire to refer to their taxation or license fees. It is asserted that 85 per cent. of the destitution, crime and degradation of the state is due to the nefarious traffic in intoxicating liquors. This imposes upon the people an additional expense, which is borne by the communities where no saloons are tolerated as well as by the others, and it is only fair that all counties should share in the revenue derived from mulcting the traffic. With the thought that the saloons may be reduced in number and be under better control and surveillance, I recommend that the law be amended so as to require the payment of an annual license fee of \$1,200, divided so that one-third goes to the municipality, one-third to the county and one-third to the state. With the present number of saloons this state tax would amount to about \$700,000 annually, and this should be set apart to be used for permanent road construction and other public improvements as contemplated in connection with the State Highway and Conservation Commission before referred to. I believe that with substantial unanimity the people of Iowa would indorse a measure of this character.

ASSESSMENT OF NATIONAL BANKS.

Under the Revised Statutes of the United States the stock of national banks is now assessed as other moneys and credits but to a large degree they escape taxation. You should memorialize the Congress to permit assessment and taxation of national banks the same as state and savings banks in the state of their location. It seems impossible for us to change our system and it is manifestly unfair that banks organized under our laws should be taxed on their capital and surplus while sister institutions, enjoying special advantages, should be permitted in many instances to go scot free.

TRUST COMPANIES.

There is a growing demand in Iowa for financial institutions which are capable of handling the larger financial transactions of our people, especially in the negotiation of bonds and stocks of large corporations. There is also real need for home companies that can act as trustee, administrator or guardian in probate matters. I would recommend a law making it possible to organize and establish trust companies, keeping in mind that the demands of society require greatest care for the protection of the people. A short time ago it was called to my attention that when a

railroad company organized in Iowa desired to sell its bonds it was offered in New York 70 cents on the dollar for 5 per cent. bonds. When it is known that in October, 1907, Iowa people were lenders outside of the state to the amount of from one hundred fifty to two hundred million dollars, it would seem that there is abundance of money in Iowa for all purposes if the machinery was only at hand for bringing the lender and borrower together without going away and paying out so much for what belongs to our people.

PARDONS AND SUSPENSIONS.

As required by law, I submit to you a report upon pardons and suspensions of sentences, issued by the governor during the past two years. This report covers the work of my predecessor as I have taken up but very little of this during my brief term. This report shows that during the period seven pardons were issued, four upon the recommendation of the Board of Parole, two upon the motion of the Governor, and one by order of the General Assembly. Of suspensions or conditional paroles there were issued fifty-nine from the penitentiary, and thirty-eight from the county jails; also three suspensions upon recommendation of the Board of Parole, and one upon recommendation of the Board of Control. There were restored to citizenship from parole one hundred and nineteen persons, and in addition six restorations as recommended by the Board of Parole. Of those previously granted suspensions, the governor sent back to the penitentiary eleven convicts, and two to county jail. Of commutations of sentences of convicts, twenty-two were issued by the Governor and seven upon recommendation of the Board of Parole, to which were added eight upon recommendation of the warden to restore good time. Ninety-three fines were remitted, and two previously remitted were forfeited. To a large extent this responsibility will be removed from the office of governor in the future, but I am convinced that the duty has been performed conscientiously and with due regard to the interests of society.

In accordance with the law, I submit to you the names of prisoners convicted of murder in the first degree and sentenced to life imprisonment, who have applied to the Governor for pardon, so that you may take action and advise the Governor as to your wishes. Applications have been made by the following persons:

Will Adams, W. E. Alexander, W. P. Glyndon, Leonard W. Haley, W. M. H. Jones, Hugh L. Robbard, Thomas C. Robinson, Albert Parnitzka, John Penny, L. R. Van Tassel, Thomas W. Watson, C. H. Woodward.

BOARD OF PAROLE.

The working of the Board of Parole law seems to meet the expectation of its friends, but I would suggest that the board be given authority to consider cases before convicted persons are committed. Many cases have come to the notice of the Executive Department in which the ends of justice and the interests of society seem to require intervention before the stain of actual imprisonment. This latitude should be given the board. That section of the law requiring that paroled persons shall remain actual residents of the state, and requiring a specific term of employment, should

be changed so that the board would have discretion in these matters. The board should also have authority to fix a definite future time when a sentence shall expire, or a parole be granted. The law providing for good time of prisoners should also be made to apply to prisoners whose terms have been fixed by the Board of Parole, so that this inducement to reform would be present in all cases.

COMPENSATION OF PUBLIC OFFICIALS.

While we as a state have perhaps the largest per capita wealth of any state in the Union, we are paying for most faithful and conscientious services what seems to me inadequate salaries. In civil life men doing the service and having the responsibilities of affairs of the magnitude of the work done by the Board of Control are receiving from five to six thousand dollars annually. We have been paying in the past the members of our Board of Control \$3,000—a rate that was established ten years ago when the cost of living was certainly twenty-five per cent. less than it is today. I feel that this condition should not longer obtain; that the servant is worthy of his hire, and that the members of the Board of Control should receive annually \$3,500. The same is true of our Secretary of State, our Treasurer of State and the Auditor of State. These men are called upon to leave their homes, are subject almost incessantly of appeals for worthy objects of charity, and after the usual term of six years—unless they have outside sources of income—they have less property than when they entered public life. A railroad company or mercantile company asking for the same conscientious service, and getting it, that these men render the state, would not think of hiring them for less than \$3,500. I therefore recommend most earnestly that you increase their compensation to this amount.

ROSTER OF IOWA SOLDIERS.

I would recommend that you make an appropriation to carry on the work of publishing the roster of Iowa soldiers. The report of the Commission in charge of this work shows that substantially half of the compilation has been completed. The appropriation made for commencing this work has been exhausted, and it was well understood at the outset that additional appropriations would be necessary to complete the work. There is nothing more to the credit of the state than this compilation and the printing of the military record of the men who went from Iowa to sustain the cause of the national Union.

PROTECTION FOR LABOR.

While there has been great progress in the perfection of our laws relating to labor in recent years I believe that we can still further improve them. The laborers in the gypsum mines in Iowa deserve the protection of our laws and these mines should be placed on a par with other mines of the state. The growth of our industries has been such that there is an increasing number of accidents to employes in factories and I would suggest that you provide for reports of such accidents to be made

promptly to the State Labor Bureau. The child labor law, which has been in operation a few years, has justified its enactment but there is need of facilities for its better enforcement and to that end I would suggest a change in the law placing upon the employer the burden of proof that the law is strictly observed.

OTHER MATTERS.

Under an act of the last General Assembly two of the progressive cities of our state have dispensed with the cumbersome old methods of city government and have placed their affairs under the control of a commission. In my estimation this is the most important reform in municipal government that has ever been attempted anywhere. In my opinion the right of adopting this form of government should be extended to all of our first class and second class cities, without exception.

You would do well to investigate and consider suggestions made in the annual report of the Dairy and Pure Food Commissioner, especially with regard to legislation to check the tendency to concentrate the creamery business in large companies at the expense of the smaller and co-operative creameries.

I have been impressed with the fact that in view of the very large number of visitors who annually come to our State Capitol there should be provided a guide to direct them and possibly some provision should be made for publication of the history of the Capitol and detailed description of its many objects of interest.

I recommend that you prohibit indefinitely the killing of quails in Iowa. It is conceded by all well informed persons that the farmer has no greater friend than the beautiful "Bob White" and he should be given a welcome to our farms and gardens and be encouraged to destroy the innumerable enemies of vegetation.

In view of the great dangers attendant upon the spread of tuberculosis among our domestic animals, and the need of firm measures to eradicate this disease, you will find it advisable to strengthen our laws and to place additional funds at the disposal of those who are fighting the evil.

The State Board of Health in their annual report make a strong showing for the necessity of larger funds to enable them to carry on the work in which they are engaged.

CONCLUSION.

The reports of the State Officials and Chief Executive Officers of State Institutions and of Commissions and Boards are accessible to you for your guidance as to the details of the work that is being done, and the special needs of the various departments of state. In what I have said, I have not attempted to review these reports in full, nor to summarize for you the mine of information contained therein. Neither do I wish you to understand that I have attempted to cover all matters that require your attention; rather that I have pointed out some of the things which ought to be considered in connection with the desire which we all entertain for the best government and the cleanest citizenship.

I would again admonish you to remember that ours is a growing and developing commonwealth, and the needs of today and tomorrow may be vastly different from those of yesterday. Conditions change with the passing years, and new duties appear with the unfolding of the grander civilization. You have accepted trusteeship for the affairs of a great state. Your predecessors performed their duty well, and with motives of highest patriotism. As trustees with full responsibility for the financial administration of the state, you owe it to your constituents and associates, whose confidence you hold, that you do not permit the needless or wasteful expenditure of their money. This obligation cannot be fulfilled by skimping our institutions, or pinching a few petty salaries; but it can be by maintaining the effective safeguards which make certain that full value is received for all disbursements. Yet you must remember that it is not sufficient that our state should have had a glorious past, or that the present is serene. The future must be faced courageously and your plans must ever be, not for today alone, but for a tomorrow stretching out into an endless future. Duty to ourselves must ever be tempered with duty to posterity. Wise investments of today will bring returns in increasing ratio. I have full confidence that you will be able to decide fairly between the emotional outcry against extravagance, behind which the agitator and demagogue so often shield themselves, and the clamorous demand for almost unlimited appropriations, which too often represent thoughtless selfishness. Between your duty to be economical and your impulse to be liberal, you will find many hard problems.

You, gentlemen of the Thirty-third General Assembly, represent a great corporation, composed of two and a quarter million of the most intelligent people of the earth, they having a capital of approximately five billion dollars. You are called upon to make appropriations for the expenditure of taxes collected for public purposes, and it seems to me there should be one determining factor only; not how much is the cost, but whether that which you authorize is worth more than it costs to the corporation you represent. If the answer is affirmative, there would seem to be no chance for further argument.

It is a regrettable thing that many people look upon taxation as an evil. If all taxes were collected equitably and distributed fairly, it would be the greatest blessing of our civilization. Inadequate as the means are for the collection and disbursement of taxes, society could not dispense with this process until something better is provided.

It will be a part of your duty, in the limited time before you, to make provision as well as you can for a more equitable collection of taxes and the fairest disposition possible of the funds of the state. When this is done intelligently, as I know you will do it, the people will rise up and call you blessed.

WARREN GARST,
Governor.

January 12, 1909.

President Smith announced that the time had arrived for the canvass of the votes cast for the offices of Governor and Lieutenant Governor at the election held November 3, A. D., 1908, and announced as teller on the part of the Senate, Senator Peterson of

Wright, and as assistant tellers, Senators Hoyt of Buchanan, Whiting of Monona.

Speaker Feely announced as teller on the part of the House, Representative Johnson of Mitchell, and as assistant tellers, Representatives Cooper of Jasper and O'Connor of Chickasaw.

The President further announced that in accordance with the statute, tellers Peterson and Johnson would constitute the judges of said canvass.

The Speaker then opened the returns in the presence of the joint convention and the tellers proceeded to canvass the vote for Governor and Lieutenant Governor, of the State of Iowa, at the election held in November, A. D. 1908.

The tellers reported as follows:

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, JANUARY 12, 1909.

MR. PRESIDENT AND GENTLEMEN OF THE JOINT CONVENTION—Your tellers appointed by the President of the Senate and Speaker of the House of Representatives, to canvass the vote cast for candidates for Governor and Lieutenant Governor, at the election held on November 3, 1908, beg leave to make the following report of the total vote cast for Governor:

	Votes.
Beryl F. Carroll received	256,980
Fred E. White received	194,129
K. W. Brown received	9,118
I. S. McCrillis received	7,140
D. C. Cowles received	228
L. H. Weller received	256
Total	470,851

And of the total vote cast for Lieutenant Governor at the election held November 3, 1908:

	Votes.
George W. Clarke received	258,883
D. A. Ray received	189,907
John W. Leedy received	8,752
Ernest Holtz received	7,196
Stephen Harvey received	205
A. J. Cronkhite received	252
Total	465,195

All of which is most respectfully submitted.

KARL J. JOHNSON,
C. F. PETERSON,
Tellers.

Report adopted.

President Smith of the joint convention announced that Beryl F. Carroll, having received the highest number of votes cast for Governor, was declared duly elected to the office of Governor of the State of Iowa for the ensuing term, or until his successor is elected and qualified; and that George W. Clarke, having received the highest number of all votes cast for Lieutenant Governor, was duly elected to the office of Lieutenant Governor for the ensuing term, or until his successor is duly elected and qualified.

President Smith of the joint convention then directed the abstract of votes and Certificates of Election to be filed with the Secretary of State.

The following certificates were signed in the presence of the joint convention:

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, JANUARY 12, 1909.

This is to certify that upon a canvass in joint convention of the two Houses of the Thirty-third General Assembly of the State of Iowa of the votes cast at the General Election held November 3, A. D. 1908, for Governor of the State of Iowa, it appeared that Beryl F. Carroll received the highest number of all votes cast for any 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 12th day of January, A. D. 1909.

JAS. A. SMITH,
President of the Senate and President of the Joint Convention.

GUY A. FEELY,
Speaker of the House.

C. F. PETERSON,
Teller of the Senate.

KARL J. JOHNSON,
Teller of the House.

C. R. BENEDICT,
Clerk of the House and Clerk of the Joint Convention.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, JANUARY 12, 1909.

This is to certify that upon a canvass in joint convention of the two Houses of the Thirty-third General Assembly of the State of Iowa of the votes cast at the General Election held November 3, A. D. 1908, for the office of Lieutenant Governor of the State of Iowa, it appeared that George W. Clarke received the highest number of all votes cast for any candidate of said election for said office, and was thereupon 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 12th day of January, A. D. 1909.

JAS. A. SMITH,
President of the Senate and President of the Joint Convention.
GUY A. FEELY,
Speaker of the House.
C. F. PETERSON,
Teller of the Senate.
KARL J. JOHNSON,
Teller of the House.
C. R. BENEDICT,
Clerk of the House and Clerk of the Joint Convention.

Representative Klay of Sioux, moved that a committee of two be appointed to notify the Governor and Lieutenant Governor of the official result of the canvass of the votes.

Motion prevailed.

President Smith named as such committee: Senator Gilliland of Mills and Representative Klay of Sioux.

The minutes of the joint session were read and approved.

On motion of Senator Van Law of Marshall, the joint convention was dissolved.

Motion prevailed.

The Senate returned to its chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 13, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Smith presiding.

Prayer was offered by the Rev. W. O. Allen of Des Moines, Iowa.

On request of Senator Mattes, leave of absence was granted Senator Maytag until tomorrow.

On request of Senator Hoyt, leave of absence was granted Senator Savage until tomorrow.

On request of Senator Wilson, leave of absence was granted Senator De Wolf until Monday.

Senator Quigley appeared before the bar of the Senate and was duly sworn.

The journal of yesterday was taken up, corrected and approved.

Senator Dowell was called to the Chair at 10:20 o'clock.

Senate took a recess subject to call of the Chair.

The President resumed the Chair and called the Senate to order.

Senator Dowell from the joint convention on inauguration submitted the following report and moved its adoption.

MR. PRESIDENT—The Joint Committee on Inauguration of the Governor and Lieutenant Governor beg leave to submit the following report:

The Inaugural Ceremonies will be held in the House Chamber at 2 o'clock P. M. on Thursday, January 14, 1909.

James A. Smith, Acting Lieutenant Governor, will have charge of the ceremonies.

PROGRAMME.

Music by Orchestra.

Calling to Order by Presiding Officer James A. Smith.

Invocation by Rev. W. B. Thompson, Des Moines, Iowa.

Song by Mabelle Wagner-Shank.

Administering Oath of Office to Lieutenant Governor Clark and Governor B. F. Carroll, elect, by Chief Justice W. D. Evans.

Inaugural Address by Governor B. F. Carroll.

Song by Mabelle Wagner-Shank.

Orchestra.

We recommend that the galleries of the House Chamber be opened to the public and that no tickets of admission be issued.

PUBLIC RECEPTION.

The Capitol Building will be open between the hours of Eight and Eleven o'clock P. M. on Thursday, January 14, 1909, and an informal reception will be held by the Governor, Lieutenant Governor, Speaker of the House, and other State Officers in the rooms of the Executive.

Music will be furnished by T. Fred Henry and his orchestral band.

The Thirty-third General Assembly of the State of Iowa extends a cordial invitation to the people of the State to attend this reception.

Respectfully submitted,

C. C. DOWELL,
SHIRLEY GILLILLAND,
ROBERT HUNTER,
JOHN HAMMILL,
FREDERIC LARRABEE,
L. L. TAYLOR,

On the part of the Senate.

JOHN B. SULLIVAN,
W. L. HARDING,
W. W. GOODYKOONTZ,
FRED H. HUNTER,
J. T. DALBY,
ISAAC T. DABNEY,

On the part of the House.

Adopted.

Senator Allen of Pocahontas offered the following Concurrent Resolution which was laid over under the rules.

Resolved by the Senate, the House Concurring, That when we adjourn on Thursday afternoon, January 14, it will be until Tuesday, January 19, at 10 A. M.

Senator Burgess moved that the Senate do now adjourn.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 14, 1909.

Senate met in regular session at 10:00 o'clock A. M., President Smith presiding.

Prayer was offered by the Rev. Martin Hyink of Inwood, Iowa.

Senator Gilliland of the joint committee appointed to inform the Honorable B. F. Carroll and Hon. George W. Clarke of their election, submitted the following report:

MR. PRESIDENT—As a committee appointed at the joint session to inform the Hon. B. F. Carroll and Hon. George W. Clarke of their election, respectively, to the offices of Governor and Lieutenant Governor, we beg leave to report that we have performed the duty assigned to us and that each officer assured us he was ready to enter upon the duties of his office.

SHIRLEY GILLILLAND,
On part of the Senate.
GERRIT KLAY,
On part of the House.

Senator Allen of Pocahontas asked unanimous consent to consider the Concurrent Resolution introduced yesterday relative to adjournment until Tuesday, January 19th, at 10:00 o'clock A. M.

Senator Allen of Pocahontas moved the adoption of the Concurrent Resolution.

The motion was lost.

Senator De Armand moved that a committee of three be appointed to prepare suitable resolutions commemorative of the life, character and public services of the late Honorable Wm. O. Schmidt.

Carried.

Senator Moon moved that a committee of three be appointed to prepare suitable resolutions commemorative of the life, character and public services of the late Hon. W. A. McIntire.

Carried.

Senator Hunter moved that a committee of three be appointed to prepare suitable resolutions commemorative of the life, character and public services of the late Honorable Joseph Lawrence.

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 concurred in Senate Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to furnishing each member of the Thirty-third General Assembly with Codes and Supplements to the Code.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to furnishing each member of the Thirty-third General Assembly with Codes and Supplements to the Code.

Senator Saunders moved that the Senate concur in the following House amendment, amend by striking out the words "Extra session of the."

The amendment was concurred in.

The Concurrent Resolution as amended was adopted.

Senator Francis moved that the vote by which the Senate Concurrent Resolution relative to adjournment until Tuesday, January 19th, at 10:00 o'clock A. M., was lost, be reconsidered.

Carried.

Senator Francis moved the adoption of the Concurrent Resolution.

On the adoption of the Concurrent Resolution, a roll call was demanded.

Those favoring the adoption of the Concurrent Resolution were:

Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, Fitchpatrick, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Jamieson, McCulloch, Nichols, Ream, Saunders, Savage, Stuckslager, Van Law, Whipple—24.

The nays were:

Adams, Balkema, Clarkson, De Armand, Frudden, Gilliland, Larrabee, McManus, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Seeley, Smith of Des Moines, Smith of Mitchell, White, Whiting, Wilson—20.

Absent or not voting:

Clark, De Wolf, Dowell, Parshall, Sammis, Taylor—6.

So the Concurrent Resolution was adopted.

Senator Gilliland moved that no committee clerks be sworn in until after adjournment on Tuesday, January 19th.

Senator Peterson moved that further consideration of the motion be postponed until the House has acted on the Senate Concurrent Resolution relative to adjournment until Tuesday, January 19th.

Motion prevailed.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late Honorable Joseph Lawrence: Senators Hunter, Dowell and Sammis.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late Hon. W. A. McIntire: Senators Moon, Wilson and Clarkson.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late Hon. W. O. Schmidt: Senators De Armand, McManus and Parshall.

The Senate took a recess subject to the call of the President.

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 concurred in the following Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to adjournment from Thursday, January 14, until Tuesday, January 19, at 10 o'clock A. M.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to adjournment from Thursday, January 14th, until Tuesday, January 19th, at 10:00 o'clock A. M.

Passed on file.

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

Senator Chapman moved that the Senate do now adjourn until 1:45 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:45 o'clock P. M., President Smith presiding.

Senator Saunders was called to the Chair at 1:50 o'clock.

Senator Smith of Mitchell offered the following Concurrent Resolution:

WHEREAS, The two Houses of the Thirty-third General Assembly will be in joint convention on Wednesday, January 20, and,

WHEREAS, Former Governor Wm. Larrabee will on that day celebrate the completion of his 77th year of life,

Therefore, Be it resolved by the Senate, the House concurring, that the Hon. Wm. Larrabee be invited to address the joint convention immediately following the completion of the business of said convention, and

Be it further Resolved, That the President of the Senate and Speaker of the House be authorized to convey this invitation to him.

By unanimous consent the Concurrent Resolution was taken up for consideration.

Senator Smith of Mitchell moved the adoption of the Concurrent Resolution.

Adopted.

Senator Frudden offered the following resolution and moved its adoption:

Be it Resolved by the Senate, That each Senator of the Thirty-third General Assembly be allowed one committee clerk.

Senator Gilliland moved that the consideration of the resolution be postponed until after the meeting of the joint convention and until the committees are named.

Carried.

Wm. Coalson, assistant janitor appeared before the bar of the Senate and was duly sworn.

MESSAGE 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 extending an invitation to Ex-Gov. the Hon. Wm. Larrabee, to address the joint convention which will be held pursuant to law on Wednesday, January 20, 1909.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to extending an invitation to Ex-Governor the Hon. Wm. Larrabee to address the joint convention which will be held pursuant to law on Wednesday, January 20, 1909.

Passed on file.

The inaugural committee on the part of the House appeared and announced that the House was ready to receive the Senate in joint convention for the purpose of inaugurating Governor-elect B. F. Carroll and Lieutenant Governor-elect George W. Clarke.

The President announced that the Senate would proceed to the House under direction of the Sergeant-at-Arms, for the purpose

of joint convention and to inaugurate Governor-elect B. F. Carroll and Lieutenant Governor-elect George W. Clarke.

JOINT CONVENTION.

In accordance with law and Concurrent Resolution, the joint convention was called to order by the Hon. James A. Smith, President of the Senate, at 2:00 o'clock P. M.

On roll call the following members responded:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Arney, Balkema, Balluff, Bascom, Bauman, Baxter, Beans, Beebe, Beery, Bennett, Blackmore, Boe, Boettger, Bonwell, Boomgaarden, Brandes, Brown, Bruce, Burgess, Burt, Byerly, Calkins, Cassady, Chapman, Clark, Clarkson, Cosson, Cooper, Cousins, Crummer, Crozier, Dabney, Dalby, Darrah, Davidson, Dawson, De Armand, Derrough, De Wolf, Dewell, Dewey, DeWitt, Dodds, Dowell, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick, Felt, Fenn, Finlayson, Foley, Fourt, Fox, Frudden, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jamieson, Jewell, Johnson, Jones, Kellogg, Kendall, Klay, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McCleery, McDonald, McCulloch, McManus, Marston, Mattes, Maytag, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore of Wapello, Moore of Linn, Newell, Nichols, O'Connor, Parshall, Penn, Perkins, Peterson, Proudfoot, Quigley, Ream, Reitz, Ripley, Ritter, Sankey, Saunders, Savage, Schee, Schroeder, Schulte, Seeley, Sheldon, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Stoddard, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Thompson, Tilton, Van Law, Ward, Welden, Whipple, White of Iowa, White of Story, Whiting, Wilson of Clinton, Wilson of Tama, Wolfe, Zeller, Mr. Speaker—153.

Absent or not responding:

Bowman, Cunningham, Reaney, Sammis, Stillman—5.

President Smith declared a quorum of the members present in the joint convention.

The following program was carried out:

Invocation by Rev. W. B. Thompson, Des Moines, Iowa.

Song by Mabelle Wagner-Shank.

Iowa Beautiful Land.

Annie Laurie.

The oath of office was administered to Lieutenant Governor Clarke by Chief Justice W. D. Evans.

The oath of office was administered to Governor B. F. Carroll, elect, by Chief Justice W. D. Evans.

Inaugural address by Governor B. F. Carroll.

Song by Mabelle Wagner-Shank.

Battle Hymn of the Republic,

Dixie,

The Last Rose of Summer.

Orchestra.

INAUGURAL ADDRESS OF GOVERNOR CARROLL.

Members of the Thirty-third General Assembly and Fellow Citizens of Iowa:

Conscious of the great responsibility that has been placed upon me by having been elected as your chief executive, I have taken this most solemn obligation required by our constitution and laws, and through the help of Divine Providence and by your aid and assistance I shall endeavor to fulfill it to the utmost of my ability. Fully realizing that to assume the duties of governor of our state is no light or trivial undertaking, I most solemnly implore the guidance of an over-ruling Providence and earnestly request the co-operation of all the people of our commonwealth to the end that I may succeed in giving you an administration that shall result in the greatest good to our citizens, and in promoting and advancing the many interests of our state. Notwithstanding the duties and responsibilities that must be assumed, I am, nevertheless, profoundly grateful for the high honor that has been conferred upon me.

It is not my purpose, in the short time that I shall detain you, to enter into a general discussion of all the various interests of the state which it might be proper to consider or review in a message to your honorable body, but I shall refer to some of them specifically and join most heartily with our retiring chief executive in recommending for your careful consideration the splendid and thoughtful message which he, in accordance with the laws and customs of our state, transmitted to you day before yesterday. In his review of the affairs of the state he has pointed out the various subjects which in his judgment require the greater attention. I trust that you will consider most carefully and thoughtfully each and every suggestion which he has made, as his close connection with the affairs of the state, for many years, has given him a broad and comprehensive view of its needs and requirements and renders his opinions of great value.

TAKE NO BACKWARD STEPS.

We are just now passing through a period of public awakening that not only tries the mettle, but tests the judgment of men. The final result of it all must be either the success or the failure of the nation in its efforts to regulate and control large aggregations of capital and to establish a higher standard of political ethics. Some years ago the nation, and our state as well, were engaged in an effort to establish such industries and enterprises in our midst as were necessary to meet the needs and requirements of our people. In order to accomplish the undertaking we were ready to offer every inducement possible, even to the extent of giving large bonuses, land grants and special privileges. Today we are engaged in an effort to regulate and control these same concerns. The last task is no less difficult nor important than the first. I believe you will agree with me that it is a more delicate, if indeed not a more difficult, undertaking because there is a double responsibility, that of protecting the interests of the public and also maintaining, uninjured, the concerns we are seeking to regulate and control.

That great and substantial progress has been made in the direction of corporation regulation, I believe all will agree, but there is much yet to be done. There is, however, in all reform as in all periods of unusual prosperity, great danger of reaction. What shall we have accomplished if after all the effort that has been put forth, both by the state and the nation, to bring about reforms along the lines suggested, with all the attendant agitation and interference with business conditions necessarily resulting therefrom, we are to slacken our energy or lessen our efforts to secure better regulation and control of corporate interests?

The question of the right and duty of the state to regulate and control, not only its own corporations, but those seeking to do business within its borders, is so well established as not to need any argument in its support. I do not now refer to interstate business. Accepting this as the correct rule, the responsibility for action rests upon you as a body, and as individuals, representing a constituency of more than two and one-quarter millions of people who have empowered and authorized you to do all which they in person might direct you to do. This thought, however, should always be kept in mind, that corporations are estitled to the same fair and just treatment that should be given to individuals and no law should be passed or even proposed as to such interests unless its enactment is really necessary and its operations when enacted will better existing conditions. Constant agitation is always harmful. However, there is one thing in particular to which I want to call your attention, that is the necessity for holding on to all the good that has been accomplished by legislation and adding to it rather than receding from it. I do not mean to be understood as saying that you should not thoroughly scrutinize the legislation of the past for the purpose of detecting and correcting any errors that may have been made, for it is my purpose to point out at least a few things which in my judgment should be corrected. In doing so I have in mind the importance of perfecting and perpetuating such laws as will best protect the interests of our people and of adding

to or enacting such other laws as necessity may require rather than that any backward steps shall be taken or that there shall be any waning of interest.

HOW TO AMEND THE LAWS.

We have recently had all of the laws passed since 1897 codified and printed in the form of a Supplement to the Code. This codification reveals the fact that in a number of instances amendments to the laws were attempted, which by reason of improper references, are of questionable validity. It also reveals the fact that in many instances numerous amendments have been made to various sections of the Code and that without having the same codified it becomes a very difficult matter for one to know what the law really is and in order to determine the question as to what constitutes the law it becomes necessary to examine not only the Code and the Code Supplement, but all of the session laws made since the last codification and then engraft in or upon the original section all changes that may have been made. I desire to submit for your consideration the inquiry as to whether it would not be wise and desirable in amending any section of the law that the section be rewritten as it would appear when amended. By this means there is, in reality, a codification of the laws brought down to date of last amendment. There can then be no question as to what constitutes the law and the legislature will have a full understanding as to the effect of any proposed changes. This method of amending laws is in vogue in many other states and in my judgment is very much more satisfactory than our present method.

PRIMARY ELECTION LAW.

The last regular session of the General Assembly enacted a law providing that all nominations for state, congressional, legislative and county offices, except for judges of the various courts, shall be made by a vote of the people at a primary election to be held in the month of June of the year in which a general election is to be held. Under the provisions of this law, nominations for offices to be filled at the last general election were made. The working of the law was perhaps as satisfactory as could have been expected, but some weaknesses were apparent, which, in my judgment, should be considered by you at the present session. Before passing any criticism upon the statute, I want to assure you that I am in full sympathy with the principle of the primary and am of the opinion that no radical departure from the general plan of the law should be made at this time, but the weak places should be strengthened and the law should be given a fair test.

There is one thing, however, that causes me to fear that the statute may not meet with final approval, that is, the apparent inability of the voter to acquaint himself with the candidates, especially for the minor state offices and those below the head of the ticket. There seems to be a prevalent belief that the candidate whose name heads the list thereby secures an advantage over his opponent. This has led many individuals to believe that the alphabetic arrangement of names should be abandoned

and that names should be rotated upon the ballot. I have hesitated to suggest an amendment touching this point because such a provision must necessarily presume upon either the indifference of our people or their inability to acquaint themselves with candidates, either of which reflects mildly, at least, upon the intelligence of the voter.

But there seems to be some grounds for the belief that the candidate whose name appears first among the list of candidates does secure some advantage over others. If this be true and a reasonable means can be found whereby to obviate the difficulty it should be done, as all candidates should, so far as possible, stand upon absolutely equal footing.

There is another amendment which the experience of the executive council, in passing upon claims, in my judgment, demonstrates beyond question should be adopted, that is, the elimination of that provision which requires the state to pay one-half of the expense of holding the primary election. Each county should meet the expense of its own primary the same as it does the expense of the general election. By such means better economy will be observed and less friction in the payment of claims will follow. The present plan is practically equivalent to the state's collecting the money necessary to meet its portion of the expenses from the counties and then turning it back to them. In addition to this needless requirement, which of itself adds to the expense of the primary, there cannot but be a conflict of opinion, if not of authority, between the various boards of supervisors and the executive council as to the amount that should be paid for various items of expense incurred by the counties. Perhaps the most frequent sources of disagreement are as to the amount that should be allowed for printing the ballots and publishing the notices. As to the last item, it is my judgment that the most satisfactory way to handle that is for the legislature to fix a specific amount that shall be allowed for these publications, which amount should of course be reasonable.

I am impressed with the idea, also, that perhaps June is not the best month in the year for holding the primary. It is a month in which the farmers of necessity must be engaged in their farm work. No later date would obviate this difficulty unless it be some time after harvest and that, in my opinion, would bring the primary too near the date of the general election. I am inclined to believe that March would be a more satisfactory time. In your review of this very important measure, you will doubtless find many other features of it which should receive your careful consideration.

SIMPLIFY THE BALLOT.

In 1892 what is known as the Australian ballot system was adopted in this state. As originally adopted four methods of voting were provided. A straight ticket could be voted by placing a cross in the circle at the head of the ticket or by leaving the circle unmarked and placing a cross in the square in front of the name of each candidate of the party. A mixed ticket could be voted by placing a cross in the circle at the head of any party ticket and then placing a cross in the square in front of the

name of any candidate for whom it was desired to vote on any other ticket. Or a mixed ticket could be voted by omitting to mark the circle and by placing a cross in the square in front of the name of every candidate for whom it was desired to vote. The newness of the plan and the different methods of marking resulted in the making of many mistakes and led to a considerable demand for the removal of the circle. I must confess that the suggestion appealed very strongly to me, as it did also to many others. The matter was taken up by the extra session of the Twenty-sixth General Assembly and the law was so modified that the circle was to be used for straight voting only. In my judgment this last method was reasonable and should have remained the law. However, the demand for the removal of the circle continued until the Thirty-first General Assembly removed it.

We have now voted two or more times under each of the three methods above referred to and by comparison should be able to judge as to which is the better and more satisfactory. I have looked with some care as to the results under each of the plans and am thoroughly convinced that the present method does not afford sufficient ease with which to vote a straight party ticket, and by reason of this fact a loss of voters occurs to all candidates below the head of the ticket. This was not true under either of the former methods, or if true the loss was very much less. As proof of the correctness of this statement let me call your attention to the fact that in 1892 when the marking of the ballots was according to the original plan provided for under the Australian system, the combined vote of the republican and democratic parties for president was 416,162 and for secretary of state it was 416,147, or a difference of only 15 votes. In 1896 under the same method of marking, the vote for president was 513,034, while for secretary of state it was 513,527, or 493 more votes for secretary of state than for president. In 1900, under the second method provided, but while the circle was still upon the ballot, the combined vote of the two parties for president was 516,964, while for secretary of state it was 515,454, or only 1,510 more votes for president than for secretary of state. Again, in 1904, under the same method, the combined vote for president was 457,048 and for secretary of state it was 455,280, or only 1,768 difference. But in 1906, the first election held after the circle was removed from the ballot, the combined vote of the two parties for governor was 413,161, while for secretary of state it was only 392,071, or a loss of 21,090 votes, being a loss of more than one vote in every twenty cast for governor, and were the comparison made on some other office than that of secretary of state, the difference would be still greater. Likewise in the recent election, there were 475,981 votes cast for president and only 448,056 for secretary of state, or 27,925 more votes cast for president than for secretary of state, being a loss of about one vote in every seventeen cast for president. This loss of votes is, in my judgment, directly due to the removal of the circle from the ballot. The figures do not indicate that there would be any particular advantage to either party should the circle be restored, but I believe that an easier and quicker method should be provided for the man who wants to vote a straight ticket than that he should be compelled to mark each one of the forty or fifty candidates as he is required to do under the present plan.

The law now recognizes the use of the voting machine and the machine provides an easy method for straight voting. Why, therefore, should not the voter who uses a ballot instead of a machine have the same privilege.

It will doubtless be true for all time that some people will think that so long as the names of candidates for president and vice-president of the United States are printed upon the ballot the voter should in some way indicate his preference of a candidate for these positions. I am reliably informed that many hundreds, possibly thousands, of ballots were thrown out, not counted, that were cast at the recent election, because the voter had placed a cross in front of the name of the candidate for president. A citizen might as well be denied the right to vote at all as that his ballot should be rejected when his intention is so clearly expressed. I am not saying that under the law as it now exists, a ballot so marked should or should not be counted. I am only trying to convey the idea that the law should be changed so as to avoid a recurrence of so gross an injustice both to the voter and the candidate for whom he intended to and in fact did vote. The intention of the voter, especially where there can be no question about it, should far outweigh the remote possibility of the use of some irregular mark as a means of identification and if the law is in effect defeating innocent and honest voters of the right to cast a ballot and have it counted the law should be amended.

In short, I believe the method of voting should be such that it can be accomplished with ease rather than with effort and that every voter should decide for himself as to whether he desires to vote a straight or a mixed ticket, and once having decided the question should be enabled to carry out his wishes in the easiest and most expeditious manner. I know of no way to provide him such means better than to restore the circle to the ballot.

TARIFF REVISION.

There was written into the recent national platform of each of the leading political parties, a declaration in favor of a revision of the tariff. I believe that our people, without regard to political affiliation and almost without exception, want to see the platform promise faithfully kept, not only in spirit, but to the letter, and desire that such a revision be given us as will meet the necessities and requirements of the times. The present law, which is the greatest measure of its kind that has ever been enacted, should form the basis for the new law, adding to or deducting from the rate of duty provided in the various schedules as may seem proper. But that other declaration contained in the platform, viz.: The declaration for the maintenance of the protective principle, should be just as faithfully kept as should the declaration in favor of revision. This nation has attained its present greatness largely as a result of the application of the principle of protection and any abandonment of the principle now would, in my judgment, be as great a mistake as it would have been a half century ago.

Our people are not only in harmony with the declaration of the party platform upon the subject of tariff, but they are in accord with the president and with congress in the enactment of the many reform measures that have found their way into the statute books of the nation in recent

years, and there is a sincere desire that such additional laws be enacted as are necessary to make these statutes more effective. While we look with fear and disfavor upon any reckless or untimely legislation pertaining to the corporate interests of the country, there is, nevertheless, an earnest desire to see both congress and the various legislatures, in a careful and conservative manner, continue the efforts that have already been put forth to the end that such interests, everywhere, whether large or small, shall be made to respect and obey the law and regard the rights not only of the public, but of the individual.

PROTECT OUR RESOURCES.

On the 13th day of May, last, there convened at the White House in Washington, in response to an invitation from the president, the governors and other prominent citizens of the various states, to discuss and consider the question of the conservation and use of the national resources of the nation. The president, in his address of welcome to the gathering, declared the question which he had brought his distinguished visitors together to consider, to be "the weightiest problem now before the nation." If he is correct in his estimate of the importance of the matter, we can well afford to pause for a moment to consider how it affects us and what relation it bears to our commonwealth. In his discussion of the conservation and use of natural resources, the president divides them into two classes, viz: Those which can and those which cannot be restored or renewed when once they are exhausted. He declares that:

"We have become great by the lavish use of our resources and we have just reason to be proud of our growth. But the time has come to inquire seriously what will happen when our forests are gone; when the coal, the iron, the oil and gas are exhausted, when the soil shall have become still further impoverished and washed into the navigation. These questions do not relate only to next century or the next generation. It is time for us now, as a nation, to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and wisely using the property that contains the assurance of well-being for himself and his children."

It is possible that our people, without stopping to consider the matter, do not fully realize the relation of our state to this very important and far reaching subject and its bearing upon our future welfare. We have well nigh reached the period already at which our forests are gone. Our supply of coal, while apparently almost inexhaustable, is being mined at an enormous rate and it is apparent that in some parts of the state, at least, the soil is not being protected as it should. I presume that few, if any, would argue that fertile land, such as is found in most parts of our state, should be devoted extensively to the growth of forests or timber and yet it might be well for us to consider whether it would not be wise and profitable if our people would devote a portion of the land skirting the rivers and lakes of the state and that which is least suitable for cultivation to the growth of such varieties of timber as do best in this climate and as will be in demand for future use. Forests fall within the class of

natural resources which the president refers to as being capable of restoration, even though it would require a number of years to grow timber of sufficient size as to be of commercial value. It requires no great stretch of the imagination, however, for one to reach the conclusion that future generations may be driven to the growing of timber for fuel when once the supply of coal, oil and gas shall have become exhausted, as is reasonable to assume will occur somewhere down the ages.

Were there an effort made to curtail the output of coal in the state in order that the time at which it shall have become exhausted may be pushed ahead by some years it would necessarily have to be done, to some degree at least, at the expense of present business enterprise and activity, unless present activities may be turned to other channels but there is a line of thought and action which we may pursue that is not only in accord with present business enterprise, but which would greatly add to the productive resources of the state if properly observed, that is, the building up and husbanding of the soil. So long as present prices of lands obtain the necessity for building up or even maintaining the productiveness of the soil does not seem so important, but the time is approaching when the necessity will be more apparent. While our people are to be highly commended for the great growth and progress which has been made in the way of better farming it is my judgment that the time will come when our farms will be made to produce, per acre, far in excess of what they now produce.

However, the waste of the soil itself is scarcely more subject to criticism than is the waste of the products of the soil. Frugality and the absence of it clearly mark the difference between the successful and the unsuccessful man. Especially is this true of those who reside upon the farms. The farmer who ploughs the corners, cultivates the fence rows, houses the machinery, shelters the live stock and leaves no forage or grain to waste in the fields is the man who usually has a bank account. Our people will have learned a great lesson, taken a great step in advance when they shall have reached the conclusion that it is more profitable to farm fewer acres and do it better. Landlordism is no particular advantage to our country. While there can be no objection to a man who does not reside upon a farm owning a reasonable number of acres, the owning of the farm by the man who tills it should be encouraged. The marked improvement, however, in farming and all kinds of agricultural pursuits in recent years is very gratifying and furnishes ample proof of the fact that there are still greater things in store for the future.

A COMMISSION ON CONSERVATION OF NATURAL RESOURCES.

It has been suggested that a commission be created for the purpose of studying the natural resources of the state and recommending to the people such means as may be employed to conserve those which are in danger of being exhausted and to develop those whose power and usefulness have remained latent, but which by proper effort might be brought into use. Especially is it desirable that careful consideration be given to the possibility of utilizing some of the larger streams of the state as a means of transportation and for furnishing power for the generating of electricity and the running of machinery, thereby serving the double purpose of not

only furnishing power and convenience in transportation, but also indirectly protecting the coal fields and other natural resources of the state. Those who have suggested the creation of such a commission believe that it could be maintained without expense to the state, that is, that persons could be found who would gladly meet their own expense in connection with their services as members of such commission. Personally, I am of the opinion that such an arrangement would perhaps fail to accomplish the best results. I do believe, however, that the commercial organizations of the various cities of the state which have already taken up the study of the conservation and development of our natural resources, would be glad to concentrate their efforts and contribute of their funds toward the maintenance of such a commission if the state will lend its moral influence and support to the proposition. It has, therefore, occurred to me that it might be profitable to consider the creation of a commission for conservation and development of natural resources, which should consist of at least five members, each of the five largest commercial clubs or business men's associations of the various cities of the state naming one member, the expense of the members and of the commission to be borne by the association represented, or it might be advisable to permit each club of the state desiring membership in such commission to name one member, if the club is willing to bear its share of the expenses as above provided. I would not, however, deem it wise that the membership of the commission exceed ten or fifteen at most. The state should issue a commission to each of the persons named in accordance with the above suggestions and it should be known as "The Iowa Conservation Commission," thereby giving the state's support and influence to the work contemplated.

A MERCHANT MARINE.

In my judgment our nation needs to be thoroughly aroused to the necessity for the re-establishment of a merchant marine. While we have been making great and rapid progress in almost every line or branch of trade, industry or business enterprise, we have signally failed as to a merchant marine. Some obvious reason must exist why this nation has not been able to compete with other nations in the matter of shipping upon the high seas. I do not pretend to understand fully what this cause is, but it seems to me that several elements enter into and effect it. First, let us look at the course of our foreign carrying trade in recent years. Statistics show that a change adverse to our interests has been going on almost constantly since 1860. During that year the value of our foreign carrying trade, carried in American vessels, was more than \$507,000,000, which was substantially two-thirds of the value of our entire foreign carrying trade for the year. This percentage has never been reached since that date and there has been a gradual falling off until in 1898 the value of our foreign trade carried in American vessels was only \$161,000,000, or only a trifle more than nine per cent of the whole, and was only about thirty per cent of the value of the trade in 1860 carried in American vessels. For the year 1907 only about ten and one-half per cent of our foreign trade was carried in American vessels.

Such a showing for the greatest commercial nation of the globe is anything but complimentary. To say that such a condition ought not to continue is but to voice the feelings and sentiments of every loyal American citizen who rejoices in the greatness and success of his country. This is not simply a matter of sentiment nor of choice as to whose vessels shall carry our products consigned to foreign markets. It is a question of vital importance to our nation. American labor is entitled to its share of the wages paid for handling the products of other American labor. American capital is entitled to invest in this great branch of business. But you may say there is nothing to prevent capital from so investing. That is true, but it must be admitted that foreign shipping has proven unprofitable for the investment of American capital or such investment would be made, as capital is always seeking profitable investments. The difficulty seems to be largely that of wages and subsidies.

Under a law enacted many years ago the coastwise trade between American ports is given exclusively to American vessels. The average wages paid to American seamen, we are informed, is \$25.00 per month and to firemen \$35.00 to \$40.00 per month. At Liverpool seamen are paid an average of \$18.00 per month and firemen \$20.00 per month. Add to this difference in cost of labor the amount paid to the English shipman by his government, as subsidies, and it can readily be seen what has driven our ships from the seas. There should be no thought to reduce the wages paid to American laborers to a level with that of the labor of other countries, consequently some other means must be found whereby the advantage in the cost of labor and of subsidies to the foreign shipper can be met, Congress alone can deal with this question, but it is entirely proper that an interest be taken in it by a hinking public.

It is not only labor and capital that are interested in the establishment of trans-oceanic shipping, but the security of the nation itself is involved. It is a regrettable fact that in recent years when the consequences of war made it necessary that our troops be transported, the ships of other nations had to be procured. What a spectacle, indeed, it is to see the army of a great nation of ninety millions of people carried from place to place under the flags of other nations. It is freely asserted that in the event of a foreign war this nation could not supply sufficient sea-going vessels to act as auxiliaries to our navy much less to transport troops. Other nations assist in the building of ships and by so doing are able to call them into service in times of war. With no merchant marine we employ no labor upon the seas, we invest no capital in ocean shipping, we train no sailors, we have no transports, we are at the mercy of others. How long will our nation permit itself to remain thus? I am not arguing for ship subsidies. I hope some other solution to the question can be found. The necessity for the establishment of this great enterprise is all that I am considering.

DOMESTIC COMMERCE.

In discussing questions of national interest we are liable to forget those things closer to ourselves and with which we as individuals should deal. The question of domestic transportation is of great importance to

our state. I refer now more especially to railway transportation. It is not only a question as to the cost of transportation, either passenger or freight, but more particularly a question as to discriminations against our state and in favor of other states, or against cities of our state as compared with other cities. I want to commend the action of the commercial clubs, not only of our capital city, but of other cities of the state, in their efforts to learn the facts as to such discriminations and to remove any existing disadvantages to our people. I trust that you, as members of the General Assembly, will interest yourselves in these matters and if you find additional legislation needed to protect our interests along the lines above suggested, such legislation should be promptly enacted.

PUBLIC UTILITIES COMMISSION.

The question of the establishment of a commission to regulate and control the public utilities of the state has been discussed to a greater or less extent by some of our people and is, in my judgment, a subject worthy of your careful consideration. Such a system has been adopted in several of the older and in some of the newer states. Just how to harmonize our present statutes to such a system I am not prepared to say. In the various states the power of the commission differs. The scope of the power in some states at least embraces railways, street railways, telephone lines, electric light plants, gas and water plants and possibly other interests. The commission is given authority to regulate the issue of stocks and bonds, the making of rates, the methods of accounting, has power to inspect, etc. The authority granted to the commission in other states is, in this state, lodged with various officials, viz.: The executive council of the state, the railway commission, the city councils and the people of cities by the granting of franchises. It would perhaps be more satisfactory if the exercise of these various powers were lodged with a single board or commission to be known as a "Public Utilities Commission." This might be done by the creation of an entirely new commission, by enlarging the powers of the railway commission or by converting the railway commission into a public utilities commission. Should this last suggestion be adopted I think it might be advisable to increase the membership of the commission to five. In such an event I believe that the additional members should be appointed by the governor and confirmed by the senate and as the terms of the present commissioners expire, their successors should be appointed and confirmed as above suggested. Should an entirely new commission be created, it should be placed in office by appointment and confirmation.

The fact that ours is a comparatively young state and has few large cities may lead to the conclusion that the same necessity for legislation along the lines above suggested does not exist as in older states, but it should be remembered that we legislate for the future as well as for the present. We have already enacted laws with reference to public weighing places in order that those who have commodities to sell may not be taken advantage of by those who buy. Is it not just as necessary that those who will buy shall not be wholly at the mercy of those who have to sell, especially where there can be no choice of places of buying, such as in the

purchase of water, gas and electricity, and is it not just as proper that the meters through which the measurements are made should be tested and read by a public official or employe who is in no way influenced by the corporation selling the commodity as it is that there be a public weigh-master to stand between the buyer and seller of commodities disposed of by weight? The cities of the state perhaps have authority over most of these matters now, but local influences are often such that the exercise of authorities granted is very meager.

This whole subject is one far reaching in its effect and of great importance to all of our people. In my judgment its consideration can not and should not be long deferred. I believe that it is entitled now to your most thoughtful consideration.

A REVENUE COMMISSION.

There has been inaugurated in our state, as in many other states, a movement in favor of a general revision of our revenue laws. This is, in my opinion, one of the very important subjects that you will be called upon to consider at this session. There is perhaps no other chapter in the entire code that so directly affects all of the people of the state as the chapter pertaining to the taxation of property. Neither is there another chapter more difficult to frame so as to meet with general approval. That there are many provisions in the present law which are both inequitable and indefensible cannot be denied, neither is it probable that any law will ever be enacted, which is not, to a greater or less degree, subject to these criticisms. But, it is desirable that such conditions be avoided, so far as is possible. Neither can it be denied that in some respects at least our tax laws are not up to date as compared with the laws of some other states.

It is proposed that a commission be appointed for the purpose of making a study of the question of revenues and taxation, which commission shall report to the next session of the General Assembly a bill embodying a proposed new law upon the question of taxation. Our past experience with such a commission has not been very satisfactory, the report of one or more such commissions having been rejected by the legislature, but the magnitude and importance of an attempted revision of the revenue laws is such that in my judgment it could not, with satisfaction, be accomplished during a regular session of the legislature unless the preparation of the bill is made during a recess. The last revision of the revenue laws was made at a special session of the legislature, that is, at the extra session of the Twenty-sixth General Assembly, and that after the Code commission had reported a bill and it had been worked upon by the Ways and Means committee of the preceding regular session. I believe that if a revision of the revenue laws of the state is deemed by you to be desirable, a commission, either composed of members of two houses, to be appointed by the presiding officers thereof, or of other persons to be selected in such manner as you may determine should be created for the purpose. The commission should be given power to make a thorough and searching inquiry and investigation into the laws of other states and should be given

abundant time to complete its work and make its report sufficiently early to enable the legislature and the people to give it a thorough study before the meeting of the session of the Thirty-fourth General Assembly.

REVISION OF SCHOOL LAWS.

The Thirty-second General Assembly created a commission to consider and report to this session of the legislature, a proposed revision of the entire school laws of the state. The work has been done and the report is now before you for consideration. I need not say to you that the importance of the measure is such as to require your best thought and attention. There are many provisions of the proposed law which are a wide departure from the present statute pertaining to schools. Indeed there are some very radical changes proposed. The fact that this wide difference between the two measures exists should neither condemn the proposed law nor commend it to you. It should only cause you to give it the more thoughtful consideration. Personally, I am favorably impressed with many features of the bill that is up for consideration. It must be admitted by all that there is much need of a change in our present school code. It has not been my privilege to study the proposed law sufficiently to feel warranted in passing criticism upon it, but I feel that the importance of the work can not be over-estimated.

THE AUDITOR'S OFFICE.

Having recently retired from the office of the auditor of state, I trust that you will not deem it improper if I make a few observations as to the affairs of that office. It is generally recognized not only by our own people, but by all those who are acquainted with the various interests now supervised by the auditor, as being one of the very important offices of the state. I know from experience, that the enormous amount of work connected with the various departments makes it impossible for anyone to familiarize himself with all the details of the office and with the law with reference thereto, so as to know when the several departments are being properly managed and supervised.

I have called attention, through my published reports, to the necessity for relieving the auditor of some portion of the work now enjoined upon him, and now that I am no longer directly connected with the office I can speak with more freedom and with much less embarrassment. I can say to you with assurance that I know whereof I speak, that neither time nor human endurance makes it possible for any man to personally supervise the auditing department, the revenue department, the insurance department, the banking department, the municipal accounting department and to serve as a member of the executive council with the enormous amount of business now connected with each of these branches of the auditor's office and the rapid increase in the business of each and all of them. I say it is impossible for any man to do all of the above without great injustice to himself or to some of the various interests of the state entrusted to his care. I do not now care to pursue this discussion to the extent of suggesting how relief should be given to this department of our state govern-

ment. That I shall leave for you to consider, but I am deeply in earnest as to the necessity for some action to be taken with reference thereto.

FEES AND PER DIEM.

I wish also to suggest to you one other matter which touches, in a way, several departments of the state's business, that is, the question of fees and per diem. I have for a long time believed that in so far as it becomes possible the per diem and fee systems of compensation should be abolished. The more I observe the workings of each the more thoroughly I become convinced that they are wrong. Especially is the per diem system objectionable where the official who is compensated for his services upon a per diem basis is not under the direction or control of some other official whose compensation is a fixed amount and is in no way affected by the per diem. I believe that in almost every instance where the per diem system now prevails the scope of the work to be performed is such that it can readily be determined what would be a reasonable compensation therefor and that in all such cases a fixed salary should be provided.

DOCUMENTS AND PRINTING.

In my judgment, your committee on printing should look carefully into the question of the number of reports and documents that are now provided for in order to determine whether or not an unnecessarily large number of some of them is not now printed; also, to see if the demand for some kinds of reports and documents may not have increased so as to make it desirable that a larger number be supplied. The value and demand for some of the reports depends very largely upon the time at which they are ready for distribution. In the past the date at which some of these reports were ready for the public has been so late that many of them remain in the storage rooms of the state. I believe that the executive council should be clothed with some additional authority in the matter of printing and where it becomes apparent to the council that the state printer will be unable to furnish the work within the proper time, the council shall have authority to place it elsewhere at the price now allowed the state printer or upon competitive bids.

LAW ENFORCEMENT.

Events which transpired in comparatively recent months caused much comment and brought forth a demand for better enforcement of laws. There should be no division of sentiment among us upon the question of law enforcement. All good citizens ought to agree as to the necessity for proper respect for and compliance with the laws. The agitation referred to arose largely over matters pertaining to violations of the liquor statutes of the state. It is not my purpose here to discuss the provisions of our liquor laws nor to offer, except in a general way, a remedy for their violation. That which may be said as to the necessity for enforcement of the liquor statutes may also be said in favor of the enforcement of all laws. No law is self-enforcing. The fact that a law is not enforced may be due either to a lack of proper provision for its enforcement or to neglect upon the part of officials enjoined with the duty of seeing that the laws are

obeyed. If it be due to the former cause there should be better provision made for enforcement, and if to dereliction to duty then the means whereby neglectful officials can be punished or deposed should be made easy and effective. While the official who fails to do his duty as to the enforcement of the liquor statutes of the state is deserving of criticism, the official who fails to perform his duty as to the enforcement of other laws is equally entitled to public censure. There is a constant plea for liberality in the construction of statutes, especially of criminal statutes, which within reasonable limits perhaps ought not to be criticized, but such construction at times becomes almost if not quite equivalent to a disregard for the spirit of the law. Laws ought to be enforced, they should be strictly enforced. If perchance they be too drastic let them be amended but let them at all times be obeyed. Laxness in law enforcement leads to a disregard for the law itself and to disrespect for and distrust of public officials. In the main, I believe the people will be given just such official service as they demand. There may be, in fact there is, great difference between public officials as to their natural inclinations toward strict construction and enforcement of laws, but I believe that there are few men in official positions but what will respond to demand from the people. Therefore, I say to you, not as members of the legislature, but as citizens of our state, and through you to all the citizens of the state fix your own standard of official service, let your public servants know what you expect and require of them and he who fails to respond will soon find his official career at an end.

It is perhaps true that the liquor laws of the state are more difficult of enforcement than most other statutes, but in my opinion it is due rather to local influences than to the weakness of the law itself. A district judge and a county attorney fearless in the performance of duty, with a sheriff or constable of like character, will find little difficulty in commanding respect, not only for the liquor statutes, but for all laws of the state. I have said that in my opinion local influences have much bearing upon the situation. If it be that local officials will not require obedience to the statutes, then the power and authority to enforce the laws should be lodged with officials removed from these local influences, but if that be deemed necessary there should also be a provision requiring such local officials as fail to perform their duty to step aside and give place to others who will see that the laws are enforced and the means whereby this can be brought about should be effective.

I am not pleading for any particular statute nor for any particular plan. I am only saying what I believe every good citizen of the state will endorse and that is, that lawlessness ought not to and must *not* be permitted in our commonwealth.

LEGISLATIVE RESPONSIBILITY.

Members of the General Assembly, in closing I want to assure you that I fully appreciate the important position of the legislator, as I have been privileged to occupy a seat in your honorable body. No greater responsibility rests upon any official than the responsibility resting upon the men who make the laws. The executive or administrative officer who

is faithful to duty will carry into effect the laws which he finds upon the statute books. Therefore, the responsibility of determining the effect of a statute should rest with the legislature. You alone can determine the character of our laws. Others may suggest, others may assist, others may influence the course of legislation, but you alone can act or refuse to act. I want to assure you of my hearty co-operation in everything and in every way which my judgment leads me to believe to be for the best interests of the state. I have but one object in view and that is to see Iowa become a greater and grander state. Its advancement has been marvelous. We have it from so good authority as Hon. Samuel Merrill, a former governor of our state, that at the time of his inauguration in 1868 there were only twelve hundred miles of railroad in our state, and only one-sixth of our lands were then enclosed. We have, since that date, brought the remaining five-sixths of our lands into cultivation and have built fully nine thousand miles of railroad. These are mere suggestions as to the possibilities of our state. We have not yet even approached the limit of its greatness. With united effort and continued co-operation we shall still see greater accomplishments along the lines of agricultural and commercial attainments, intellectual advancement and moral strength and courage. But, I can not close without referring to one other subject, that is, to our state institutions. Especially do I want to recommend for them the most liberal treatment consistent with the condition of our public finances and a reasonable levy for state purposes. There is a universal desire that our educational institutions continue to furnish for our youth and young men and young women every possible opportunity for educational and intellectual advancement, and that eleemosynary and penal institutions continue to provide for those who find lodgment within their confines, the best possible means of care and improvement.

Our people are justly proud of our state and of its institutions and we should write it upon the tablets of our hearts and emblazon it upon our banners that in comparison with other states and with the institutions of other states there shall be none better than our own.

Minutes of the joint convention read and approved.

On motion of Senator Saunders, of Pottawattamie, the joint convention was dissolved.

The Senate returned to its chamber and resumed its sitting.

Senator Saunders moved that a committee of three be appointed to escort Lieutenant Governor George W. Clarke to the Chair.

Carried.

President Smith appointed as such committee: Senators Saunders, Cosson and Wilson.

The committee escorted Lieutenant Governor Clarke to the Chair.

President Smith presented Lieutenant Governor Clarke and surrendering the gavel in fitting words on behalf of the Senate, welcomed him as their presiding officer.

President Clarke on assuming the Chair addressed the Senate as follows:

SENATORS—In entering upon the duties of my office as President of the Senate, I make bold to assume that a few suggestions may not be thought to be out of place. So far as the people have granted absolute power it has been to the legislative department of their government. It has been put in this way: "The Legislature is the depository of the exclusive, original, sovereign power of the people." Here, then, is the sovereign will and power of the people of the commonwealth of Iowa in action. There is no restraint imposed except by the Constitution of the State, and by the Constitution of the United States. The restraining hand of these historic documents seems to some, however, in these days, to be growing feeble, and the documents themselves to be made of such elastic substance that almost no legislative action can strain them to the breaking point.

A constitutional infraction by the people in the exercise of their sovereign power, it may almost be said, will not be declared, if by any possibility of interpretation or ingenuity of construction or invocation of precedent, of the application of any conceivable state of fact the act can be sustained. There is no "twilight zone" in the domain of statutory violation of the supreme law, but it must be open, palpably and luminously plain, and beyond any reasonable doubt, or the constitution stands in its majestic supremacy without rent or diminutive puncture. All courts are in effect, defenders of statutory enactment against constitutional inhibition, and doubtless rightly so for thus also is the constitution supported. The attitude is, you must convince against every possible aid that can be summoned from things past, things present, or things to come. And herein is seen the marvelous wisdom of the founders of this republic and these states, that they could draft a supreme fundamental law and adopt a method of testing an infraction of it that would be perfectly adapted to a distant future, and to conditions and complexities of human affairs of which they could not have had the flimsiest shadow of a conception. And in no smaller degree is exhibited the wisdom and keen acumen of the men of this day, who can take the wondrous present-day world-wide affairs of this nation and the unfolding necessities of its future and bring them all within the restraining, controlling hands of these revered documents without conflict between them, and without checking in the least, development and growth in every department of human interest. If great things are to be done, or if old things are to be done in a newer or larger way, if national or state interests require that national authority shall extend to far distant lands, it will be found that neither constitutions nor state lines forbid, but that all is in the sweetest and most delightful harmony with constitutions and rights of states, in so wondrous a way have the foundations been laid and a nation built.

The sovereign will and power of the people of this commonwealth are tremendous things and you are clothed with vast responsibility in the exercise of them. The intelligent will of a right-minded people contemplates only the public good. Sovereign power is reposed in you for a supreme end. The supremest purpose is the good of all the people. You can serve no selfish purpose here. You can serve no particular interest here to the disadvantage of all the other people. You can serve special interests only so far as wise laws will make them of public interest and subserve the common good. You cannot serve the rich in forgetfulness of the poor. In so far as law can ameliorate the condition of the unfortunate or the conditions under which men live and work, you owe a service, for the betterment of the condition of any is a service to all. Public office means public service. It brings with it opportunity to promote the public welfare. Those things which make a people great and develop the resources, the civilization of a state demand your most careful consideration, and to that end men of training along special lines, experts in great business interests, corporate or otherwise, in educational matters, in matters pertaining to the public health, the public administration of state government in all its departments, should be given most candid and unprejudiced hearing. The end sought is the development here of a great state, the possibilities of which we are just beginning to comprehend and enter upon, it not yet appearing what we shall be; great in her wealth, great in the happiness, contentment, intelligence and righteousness of her people. Rightly conceived it is a great and inspiring work you are entering upon and in doing it you ought to be moved, as I have no doubt you will be, by the deepest motives of patriotism and love for Iowa, the Beautiful Land, and all her people. It is not a vacation upon which you are entering. It is not the laying aside of responsibilities as one lays aside a garment, but quite otherwise. The public policy of a state is found in her laws. They are determinative of her enlightenment and place among the commonwealths of the earth. Not many, but wise laws should be the motto of the legislator. A tendency to seek a remedy in a statute for every evil that can be thought of in either business or social life, is a growing one and ought to be curbed. To be hedged about on every hand by statutory enactments is not the Ideal State.

I have suggested your almost unrestrained power. You can do anything not forbidden by constitutions and you will be sustained as against them, if possible. So use your great power as not to abuse it. But better than to be sustained by courts is to be sustained by the sound moral and business sense of the people. The good and faithful servant never permits the plunder of his master, but jealously guards his every interest. The public business of the state ought to be conducted with just as much care and fidelity as the most competent men conduct their private affairs. Public money is taken from the people for a public purpose only and it is intolerable that it should be used for petty graft or turned over even in small sums to persons who have rendered no equivalent of service in return. No young man or woman should be taught to feel that the State is an institution upon which it is permissible to work a graft, and no old man should be allowed to

do it. Such a course cheapens the public service, dishonors the men engaged in it, and lowers the ideal of public life. It does not beget respect for public officials or for the State as an institution for the administration of government or for law; and respect for government and unquestioned obedience to the law is the one great need of this time. It cannot be to our credit, Senators, that doorkeepers doze in these galleries for one hundred days at the public expense, the doors not opening a half a dozen days during the session, except to permit their entrance. On occasion of need men called from the extra help about the capital could be stationed there. Every man of legislative experience knows that many more committee clerks and other clerks are employed than are needed. Every Senator and Representative knows of clerks sitting around these chambers in luxurious ease from one end of the session to the other, doing practically nothing at all, and every Senator and Representative knows that such a thing should fall under his condemnation. One can serve many. As Speaker, I would not appoint a clerk except upon the understanding that he should also be a clerk to a committee, and also do work for members whether they had a chairmanship or not. I shall not do otherwise now. As to assignment of clerks in this way there should be no distinction between majority and minority in this chamber. I do not speak in behalf of niggardly economy or against the employment of help to the fullest need and in harmony with the dignity of a legislative body, but against superabundance and graft. The Senate of the State of Iowa ought to be above just criticism, as a patriotic, conscientious body of law-makers and that I might lend a little influence, perhaps, to that end I have spoken, and I hope not with impropriety. It is my one and only contribution to the speeches that will be made during the session.

And now before announcing the committees I desire to say a word with reference to them. It has been suggested with reference to several committees having to do with special interests, such as, to illustrate, banks, telephones and the like, that of course the custom of placing all bankers on the committee on banks, and all senators interested to any extent in the telephone business on the committee on telephones, would be followed. I have not felt that I could do that. It is a fundamental fact in human nature that a man, or a combination of men, will look after and develop personal interests as against the interests of others. Their own business would be the matter of primary importance and legislation promotive of it would receive all possible encouragement. On the other hand, the public needing legislation in its behalf as against any particular interest would have little, or no show at all in a committee made up entirely of men in that particular line of business. The public must have representation here and I felt that it would be a plain violation of duty if I failed to see, so far as I could, that no question of legislation should be tried out before a packed jury directly and pecuniarily interested in the verdict. No particular line of business should control any committee. Senators engaged in a particular work or business or interest should be on the committee to consider matters touching it, because of their expert knowledge and experience, but there should not be enough of them to

control it. So far as I have had knowledge of the facts I have so constructed these committees. Senators, therefore, will understand that their absence from such committees is not because of want of appreciation on my part of fitness but only because of my belief that my public duty requires me to so construct these committees.

And now, Senators, conscious as I am that I will make mistakes, that I may already have done so, I beg your charitable judgment and helpfulness during the session and assure you that I shall ever be ready to reciprocate your kindness in every way that I can.

The list of standing committees of the Senate was then read by the Secretary as follows:

STANDING COMMITTEES

WAYS AND MEANS.

Smith of Mitchell,
Whipple,
Gilliland,
Allen of Pocahontas,
Fitchpatrick,
Burgess,
Savage,
Francis,
McCulloch,

Hoyt,
Bennett,
Wilson,
Whiting,
Moon,
McManus,
Clarkson,
Ream.
White,

JUDICIARY.

Dowell,
Whipple,
Peterson,
Gilliland,
Saunders,
Bruce,
Allen of Pocahontas,
Van Law,
Hunter,
Francis,

Cosson,
Sammis,
Proudfoot,
Allen of Van Buren,
Adams,
Hammill,
Moon,
De Wolf
Clarkson,
Quigley.

APPROPRIATIONS.

Maytag,
Mattes,
Clark,
Seeley,
Stuckslager,
Saunders,
Nichols,
Proudfoot,
Savage,

Larrabee,
Brown,
Adams,
Allen of Van Buren,
Wilson,
Smith of Des Moines.
Frudden,
Taylor,
Foley,

RAILROADS.

Saunders,
Allen of Pocahontas,
Mattes,
Peterson,
Smith of Mitchell,
Maytag,
Hunter,
Burgess,
Seeley,

Sammis,
Larrabee,
Balkema,
Gates,
Jamieson,
De Armand,
Foley,
Parshall,

AGRICULTURE.

Bruce,
Allen of Pocahontas,
Seeley,
Nichols,
Peterson,
McCulloch,
Hunter,
Savage,
Brown,

Hammill,
Cosson,
Hoyt,
Wilson,
Whiting,
Smith of Des Moines,
White,
Parshall,

CITIES AND TOWNS.

Gilliland,
Saunders,
Dowell,
Stuckslager,
Fitchpatrick,
Hunter,
Van Law,
Balkema,

Hammill,
Wilson,
Frudden,
Smith of Des Moines,
Moon,
McManus,
De Armand.

SCHOOLS.

Allen of Pocahontas,
Seeley,
Bruce,
Adams,
Cosson,
Allen of Van Buren,
Hammill,

Chapman,
Wilson,
De Wolf,
Taylor,
De Armand,
Jamieson,
McManus.

PUBLIC HEALTH.

Clark,
Bennett,
McCulloch,
Chapman,
Nichols,
Cosson,

Allen of Van Buren,
De Armand,
Frudden,
Foley,
Parshall.

BANKS.

Stuckslager,	Fitchpatrick,
Bruce,	Proudfoot,
Seeley,	Whiting,
Clark,	Smith of Des Moines,
Whipple,	McManus,
Mattes,	De Wolf,
Savage,	Quigley.

INSURANCE.

Whipple,	Burgess,
Smith of Mitchell,	Frudden,
Maytag,	Whiting,
Bruce,	Clarkson,
Stuckslager,	Quigley,
Sammis,	White,
Bennett,	

TELEGRAPHS AND TELEPHONES.

Mattes,	Brown,
Whipple,	Savage,
Maytag,	Wilson,
Peterson,	Moon,
Hoyt,	Whiting,
Balkema,	Clarkson,

CORPORATIONS.

Sammis,	Dowell,
Whipple,	Larrabee,
Gilliland,	Hammill,
Stuckslager,	Frudden,
Peterson,	White,

SUPPRESSION OF INTEMPERANCE.

Cosson,	Bennett,
Mattes,	Chapman,
Smith of Mitchell,	Gates,
Nichols,	Adams,
Larrabee,	Taylor,
Francis,	Jamieson,
Hoyt,	Ream,

LABOR.

Hunter,	Bennett,
Smith of Mitchell,	McManus,
Allen of Van Buren,	De Wolf,
Van Law,	Taylor,
Nichols,	Ream,

HIGHWAYS.

Nichols,	Chapman,
Fitchpatrick,	Wilson,
Hunter,	Smith of Des Moines,
McCulloch,	Parshall,
Cosson,	White,
Brown,	

ELECTIONS.

Peterson,	Adams,
Smith of Mitchell,	Balkema,
Dowell,	Moon,
Sammis,	Clarkson,
Proudfoot,	McManus,
Francis,	

PUBLIC LIBRARIES.

Savage,	Van Law,
Stuckslager,	Foley,
Peterson,	Whiting,
Bruce,	De Wolf,
Francis,	Quigley,
Larrabee,	White,

EDUCATIONAL INSTITUTIONS.

Proudfoot,	Adams,
Clark,	Cosson,
Gilliland,	Frudden,
Burgess,	Jamieson,
Bruce,	

CHARITABLE INSTITUTIONS.

Smith of Des Moines,	Allen of Van Buren,
Stuckslager,	Frudden,
Whipple,	De Wolf,
Fitchpatrick,	Foley,
Hammill,	

PRINTING.

Larrabee,	Gates,
Mattes,	Burgess,
Smith of Mitchell,	Jamieson,
Francis,	Parshall,
Sammis,	

MINES AND MINING.

Fitchpatrick,	Gates,
Maytag,	Ream,
Dowell,	Taylor,
Seeley,	Foley,
Hoyt,	Clarkson,
Van Law,	

CONSTITUTIONAL AMENDMENTS AND SUFFRAGE.

Burgess,
Clark,
Gillilland,
Maytag,
Saunders,
Bennett,

Gates,
De Armand,
Foley,
McManus,
Ream,

CONGRESSIONAL AND JUDICIAL DISTRICTS.

Van Law,
Clark,
Allen of Pocahontas,
Hunter,
Proudfoot,
Savage,

Chapman,
McCulloch,
Brown,
Quigley,
Parshall,

SENATORIAL AND REPRESENTATIVE DISTRICTS.

Bennett,
Dowell,
Mattes,
Burgess,
Francis,
Hammill,

Gates,
De Armand,
Jamieson,
Ream,
White,

MILITARY.

Brown,
Fitchpatrick,
Allen of Pocahontas,
Quigley,
Larrabee,

Balkema,
Gates,
De Armand,
Taylor,

COMPENSATION OF PUBLIC OFFICERS.

Seeley,
Gillilland,
Saunders,
Mattes,

Van Law,
Sammis,
Quigley,
White,

PHARMACY.

McCulloch,
Clark,
Bennett,
Chapman,

Sammis,
Van Law,
Whiting,
De Wolf,

COMMERCE AND RETAIL TRADE.

Gates,
Smith of Mitchell,
Balkema,

Larrabee,
Adams,
Quigley,

PENITENTIARIES AND PARDONS.

Hammill,
Peterson,
Whipple,
Saunders,

Hunter,
Chapman,
Taylor,
Parshall,

CLAIMS.

Hoyt,
Maytag,
Cosson,
Brown,

Jamieson,
De Armand,
Clarkson,

FEDERAL RELATIONS.

Allen of Van Buren,
Gilliland,
McCulloch,
Seeley,

Proudfoot,
Moon,
Ream,

MANUFACTURES.

Chapman,
Burgess,
Maytag,
Bruce,

Smith of Des Moines,
Moon,
De Wolf,

PUBLIC BUILDINGS.

Frudden,
Allen of Pocahontas,
Nichols,

Savage,
Foley,

HORTICULTURE AND FORESTRY.

Taylor,
Clark,
McCulloch,

Allen, of Van Buren,
Brown,
Parshall,

FISH AND GAME.

Francis,
Fitchpatrick,
Nichols,

Hoyt,
Smith of Des Moines,
Ream,

RULES.

Balkema,
Saunders,

Dowell,
Whiting,

PUBLIC LANDS.

Wilson,
Stuckslager,

Dowell,
Jamieson,

ENGROSSED BILLS.

McManus,
Proudfoot,

Balkema,
Quigley,

ENROLLED BILLS.

Adams,
Hoyt,

Moon,
Clarkson,

Senator Saunders moved that the address of the President be printed in the Journal.

Carried.

INTRODUCTION OF BILLS.

By Senator Dowell Senate File No. 1, a bill for an act to establish an Insurance Department providing for an Insurance Commission and fixing his compensation and terms of office.

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

The President appointed the following messengers, who appeared at the bar of the Senate and were duly sworn:

Charles Sandler, Lieutenant Governor's messenger.

Charles Grahl.

Max Finkelberg.

Irvin Alber.

Benjamin E. Seeley.

Leonard Donahue.

The President announced the following communication which was read:

REPORT OF BOARD OF CONTROL.

To the President of the Senate and Speaker of the House of Representatives:

We transmit herewith for the use of the Senate and House of Representatives a copy of the report required of us by Section 2 of Chapter 206 of the Acts of the Thirty-second General Assembly.

J. T. HAMILTON,

JOHN COWNIE,

G. S. ROBINSON,

Board of Control of State Institutions.

To the General Assembly of the State of Iowa:

We submit herewith a report as required by Section 2 of Chapter 206 of the Acts of the Thirty-second General Assembly:

REPORT

SOLDIERS' HOME, MARSHALLTOWN.

Balances December 31, 1908—

Support	\$ 5,265.47
Additional fire protection.....	140.24
Engine and generator.....	49.15
Hose cart	25.00

Total balances\$ 5,479.86

Transfer of funds as follows—

Additional Fire Protection Fund.

For furniture G. A. R. Hall.....	\$ 39.22
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Hose House Fund.

For furniture G. A. R. Hall.....	5.33
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Engine and Generator Fund.

For barn door track and hangers.....	\$ 3.94
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For Quartermaster's Building.....	74.70	78.64
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Hose House Fund.

For part payment hot water heater.....	164.67
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Total funds diverted.....\$ 287.86

SOLDIERS' ORPHANS' HOME, DAVENPORT.

Balances December 31, 1908—

Support	\$ 13,920.60
Contingent and repair.....	2,512.14
Disposal of sewage.....	2,152.13
Fencing	300.00
Finishing cottage for girls.....	259.61
Gymnasium apparatus	200.00
Hog house	1,200.00
New engine and generator.....	20.42
Painting	595.65
Rebuilding and equipping Industrial Building.....	782.66

Total balances\$ 21,943.21

Transfer of funds as follows—

From Painting Fund.

For pipe covering	\$ 240.35
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COLLEGE FOR THE BLIND, VINTON.

Balances December 31, 1908—

Support	\$ 2,081.51
Contingent and repair.....	2,662.31
Fire escapes	393.97
Hospital Building	5.25
New boilers	5,906.46

New coal house.....	2,500.00
Oculist fund	400.00
<hr/>	
Total balances	\$ 13,949.50
No transfer of funds.	

SCHOOL FOR THE DEAF, COUNCIL BLUFFS.

Balances December 31, 1908—

Support	\$ 28.13
Blackboard wall slating.....	161.25
Contingent and repair.....	884.57
Electric power	61.48
Fencing	488.27
Improvement of grounds.....	146.29
Library and binding.....	333.70
Rebuild plant	1,438.04
Soap house and vats.....	800.00
Storage and refrigerating plant.....	980.00
Tools and machinery, Industrial Building.....	51.78
Watchman's clock	300.00
<hr/>	
Total balances	\$ 5,673.51
No transfer of funds.	

INSTITUTION FOR FEEBLE-MINDED CHILDREN, GLENWOOD.

Balances December 31, 1908—

Support	\$ 16.57
Contingent and repair.....	890.84
Improvement of grounds.....	500.00
Paints and painting.....	297.92
Water supply	5,386.73
<hr/>	
Total balances	\$ 7,092.06
Transfer of funds as follows—	
New Boiler Fund.	
For bolts for generator.....	13.30
For crash, Custodian Building for Boys....	8.33 21.63
Water Supply Fund.	
For wing new Custodian Building for Boys.....	4,875.76
<hr/>	
Total funds diverted	\$ 4,897.39

STATE SANATORIUM FOR THE TREATMENT OF TUBERCULOSIS, OAKDALE.

Balances December 31, 1908—

Support	\$ 9,302.14
Building and equipment, etc.....	1,136.73
<hr/>	
Total balances	\$ 10,438.87
No transfer of funds.	

INDUSTRIAL SCHOOL FOR BOYS, ELDORA.

Balances December 31, 1908—

Support	\$ 1,195.01
Agricultural implements	179.13
Band and orchestra instruments.....	97.50
Books and periodicals	21.84
Blacksmith shop	1,086.21
Contingent and repair.....	732.63
Draining land	1,718.44
Fencing	737.24
Fire station	1,500.00
Furniture and furnishings.....	857.42
Lectures, etc.....	249.12
Poultry house	51.63
Repair old barn76
Total balances	\$ 8,426.93

Transfer of funds as follows—

Repairing Old Barn Fund.	
For lumber for temporary barn.....	\$ 394.25

INDUSTRIAL SCHOOL FOR GIRLS, MITCHELLVILLE.

Balances December 31, 1908—

Support	\$ 26.29
Books and periodicals	608.22
Chaplain fund	239.50
Contingent and repair09
Cows and horses	377.90
Dental equipment	31.69
Enlarging power house	429.31
New cottage	6,527.81
Painting	46.35
Standpipe	600.00
Total balances	\$ 8,887.16

No transfer of funds.

MOUNT PLEASANT STATE HOSPITAL.

Balances December 31, 1908—

Support	\$ 4,649.99
Books and periodicals	416.50
Carpets and rugs	1,672.58
Contingent and repair	732.94
Furniture and furnishings	1,649.95
Installing spray baths	378.75
Laundry machinery	404.30
Lavatories and closets	515.64
New floors	113.89
New cisterns	29.68

Operating room	1,000.00
Painting	1,002.37
Repairs to coal house	135.00
Sewage disposal plant	5,198.39
Tiling land	982.00
Tunnels	2,595.98
Women's Infirmary	15,516.89
<hr/>	
Total balances	\$ 36,994.85
No transfer of funds.	

INDEPENDENCE STATE HOSPITAL.

Balances December 31, 1908—

Support	\$ 11.24
Boilers, etc.	3,525.50
Carpets and rugs	923.25
Changing elevator	1,500.00
Contingent and repair	20.46
Electric motors	1,500.00
Fencing land	157.83
Infirmary	114,225.00
Rebuild north wing greenhouse.....	1,000.00
Tiling farm	274.44
<hr/>	

Total balances\$123,137.72

Transfer of funds as follows—

Laundry Washers Fund.

For part payment ventilating system.....\$ 187.31

CLARINDA STATE HOSPITAL.

Balances December 31, 1908—

Support	\$ 11,815.91
Contingent and repair	3,032.36
Cottage for women	8,921.17
Painting	2,704.79
Plumbing and fixtures	705.00
Sewer tunnel	262.28
<hr/>	

Total balances\$ 27,441.51

Transfer of funds as follows—

From Smoke Stack Fund.

For lumber	\$ 38.82
For valves	21.64
For repairing down spouts.....	21.00
For repairing kitchen ventilator.....	14.34
For new kitchen ventilator	30.25
For labor on same.....	4.20
For part payment on steamer.....	26.22
<hr/>	

Total funds diverted\$ 156.47

CHEROKEE STATE HOSPITAL.

Balances December 31, 1908—

Support	\$ 6,617.06
Books and periodicals	368.32
Cement walks	250.00
Contingent and repair	1,161.59
Fencing	426.10
Increase water supply	2,779.84
Infirmary	113,930.50

Total balances\$125,533.41

No transfer of funds.

STATE HOSPITAL FOR INEBRIATES, KNOXVILLE.

Balances December 31, 1908—

Support	\$ 12,866.35
Additional equipment	1,855.31
Additional fire protection	290.50
Contingent and repair	3,082.79
Engine and generator	535.77
Fencing	323.65
Purchase of land	507.00
Sewage disposal plant	305.94
Seating chapel	50.00
Shop building	5,000.00
Telephone system	850.00
Walks and improvement of grounds.....	247.76
Walks	250.00
Walks in front of grounds.....	95.64

Total balances\$ 26,260.71

No transfer of funds.

PENITENTIARY, FORT MADISON.

Balances December 31, 1908—

Support	\$ 963.66
Books and periodicals	1,083.21
Building new cell house	32,429.25
Changing and improving buildings.....	1,735.31
Contingent and repair	419.75
Extension of smoke stack.....	200.00
Furnace warden's house	350.00
Hospital and library building	203.99
Lectures and entertainments	369.81
Locks for cells	1,200.00
New prison wall	391.23
Support of warden	125.00

Transportation discharged convicts.....	735.31
Ventilating cell house	799.62
Warden's house05
<hr/>	
Total balances	\$ 41,006.19
No transfer of funds.	

REFORMATORY, ANAMOSA.

Balances December 31, 1908—

Support	\$ 447.66
Barn	2,000.00
Boilers and connections	118.50
Books and periodicals	1,523.04
Cell room floors	3,868.61
Complete cell bank	3,000.00
Contingent and repair	75.65
Derrick supplies	886.36
Electric light plant	1,655.45
Freight on stone	23.31
Lectures, etc.	83.79
Lime and cement	1,316.54
Powder and fuse	735.14
Power house	1,000.00
Salaries of foremen	3,359.79
Sewer pipe	77.05
Support of warden	125.00
Tools, shop and quarry	72.64
Transportation of discharged convicts.....	671.84
Warden's house	109.45
<hr/>	
Total balances	\$ 21,149.82
No transfer of funds.	

RECAPITULATION OF BALANCES.

	Support	Special	Total
Soldiers' Home	\$ 5,265.47	\$ 214.39	\$ 5,479.86
Soldiers' Orphans' Home.....	13,920.60	8,022.61	21,943.21
College for the Blind	2,081.51	11,867.99	13,949.50
School for the Deaf.....	28.13	5,712.38	5,740.51
Institution for Feeble-Minded			
Children	16.57	7,075.49	7,092.06
State Sanatorium for the Treat-			
ment of Tuberculosis	9,302.14	1,136.73	10,438.87
Industrial School for Boys.....	1,195.01	7,231.92	8,426.93
Industrial School for Girls.....	26.29	8,860.87	8,887.16
Mt. Pleasant State Hospital....	4,649.99	32,344.86	36,994.85
Independence State Hospital....	11.24	123,126.48	123,137.72
Clarinda State Hospital.....	11,815.91	15,625.60	27,441.51

Cherokee State Hospital.....	6,617.06	118,916.35	125,533.41
State Hospital for Inebriates..	12,866.35	13,394.36	26,260.71
Penitentiary	963.66	40,012.53	40,976.19
Reformatory	447.66	20,702.16	21,149.82

Total	\$ 69,207.59	\$414,244.72	\$483,452.31
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RECAPITULATION OF FUNDS TRANSFERRED.

Soldiers' Home	\$ 287.86
Soldiers' Orphans' Home	240.35
Institution for Feeble-Minded Children.....	4,897.39
Industrial School for Boys.....	394.25
Independence State Hospital	187.31
Clarinda State Hospital	156.47

Total	\$ 6,163.63
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The President presented the following reports of the Secretary of the Iowa State College of Agriculture and Mechanic Arts, The State University of Iowa and the Iowa State Normal School, which were ordered printed in the Journal:

REPORT OF SECRETARY OF THE IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

To the General Assembly of the State of Iowa:

GENTLEMEN—In accordance with Chapter 104 of the Laws of the Thirtieth General Assembly, I herewith submit the following report showing:

First. The funds available for all college purposes during each of the fiscal years of the biennial period ending June 30, 1908, including the cash balances on hand at the beginning of the period.

Second. How such moneys were expended.

Third. The unexpended balances at the close of the biennial period to the credit of the several funds.

Fourth. The number of instructors employed and the number of students enrolled in each course during each year of the biennial period.

I. AVAILABLE FUNDS, 1906-8.

Balances on hand July 1, 1906—

In the hands of the College Treasurer—

College support, including student funds.....	\$ 23,788.59	
Agricultural Experiment Station.....	10,194.62	
Engineering Experiment Station.....	1,288.14	
Highway Commission	460.34	
Special Building Tax.....	.56	
Repairs and Improvements.....	323.19	
Central Heating Plant.....	.20	
Railroad damages, trust fund.....	38.00	\$ 36,143.64

In State Treasury—		
Building Tax	\$ 38,038.55	
Completing and furnishing Central Building...	28,371.79	
Dairy Farm and Equipment.....	4,699.69	
Central Heating Plant Appropriation.....	33,782.27	
Pure Bred Stock Appropriation.....	.44	\$104,892.74
		<hr/>
Total Balances		\$141,036.38
Additional funds becoming available during fiscal years 1906-7 and 1907-8.		

(a) 1906-7.

Educational Support Funds—		
From National Government	\$ 61,127.93	
From State appropriation.....	142,166.67	
From Student Fees.....	38,503.55	
From Tuition charged students from outside the State	1,902.00	
Special trust funds to be used according to terms of trust	1,406.46	\$245,106.61
		<hr/>
Agricultural Extension Fund—		
Annual State Appropriation.....		15,000.00
Experiment Funds—		
Agricultural Experiment Station—		
From National Government.....	\$ 22,000.00	
From State Appropriation.....	25,000.00	\$ 47,000.00
		<hr/>
Engineering Experiment Station—		
Annual State Appropriation.....	3,500.00	
Good Roads Experimentation—		
Annual State Appropriation	5,000.00	55,500.00
		<hr/>
Building and Equipment Funds—		
Annual Repair and Contingent Fund	23,000.00	
Special Building Tax	127,216.34	
Special Appropriations of 31st Gen- eral Assembly—		
For purchase of Additional Land	5,500.00	
For buildings and equipment of dairy farm and poultry plant	10,000.00	
For equipment of College de- partments	5,000.00	20,500.00
		<hr/>
Special appropriations of 32nd General Assembly, part made available any time before July, 1908		75,000.00

Receipts from rental of rooms
and sale of old building ma-
terial

3,656.88 249,373.22

Total from all sources for 1906-7....

\$564,979.83

(b) 1907-8.

Educational Support Funds—

From National Government 65,375.08

From State Appropriations 158,000.00

From Student Fees 49,813.68

From Tuition charged students from
outside the State 2,810.00

Special trust funds to be used ac-
cording to terms of trust..... 1,165.70 \$277,164.46

Agricultural Extension Fund—

Annual Appropriation by State..... 27,000.00

Experiment Funds—

Agricultural Experiment Station—

From National Government 24,000.00

From State Appropriation 25,000.00 49,000.00

Horse Breeding Experimentation—

From National Government 1,125.00

From State Appropriation 1,125.00 2,250.00

Engineering Experiment Station—

Annual State Appropriation 3,500.00

Good Roads Experimentation—

Annual State Appropriation 5,000.00 59,750.00

Building and Equipment Funds—

Annual Repair and Contingent Fund 23,000.00

Special Building Tax 127,896.68

Receipts from rental of room, sale of
old building material, and from
Interurban Railway Company
for improvements

1,916.88 152,813.56

Total from all sources for 1907-8....

\$516,728.02

II. *Expenditures.*

(a) 1906-7.

Educational Support Funds—

Salaries, including administrative officers.....\$129,172.10

Department expenses and equipment 48,172.90

Administrative and general expenses 16,369.38

Maintenance of buildings and grounds, includ-
ing heat, light and janitor service for build-
ing, and care of campus

50,354.10 \$244,063.43

Agricultural Extension Fund—

Salaries of Extension Staff, including Secretary..	10,065.38	
Current expenses and equipment	4,934.62	15,000.00

Experiment Funds—**Agricultural Experiment Station—**

Salaries of Extension Staff and Assistants....	24,072.50	
Current Expenses and Equipment	22,455.76	46,528.26

Engineering Experiment Station—

Salaries	1,644.96	
Current expenses and equipment	2,905.44	4,550.40

Good Roads Experimentation—

Salaries	1,720.00	
Current expenses and equipment	3,590.70	5,310.70

Building and Equipment Fund Expenditures—

Repairs and Contingencies	20,555.94	
Special Building Tax—		
Hall of Agriculture	48,995.38	
Central Building	28,485.99	
Central Heating Plant	10,000.00	
Dairy Building	6,104.71	
Dairy Farm Buildings	1,184.75	
Forge Shop	4,535.52	
Central Building Additional	28,371.79	
Central Heating Plant (\$54,500 appropriation)..	33,782.47	
Central Heating Plant (\$60,000 appropriation)..	2,244.23	
Dairy Farm Buildings and Farm Equipment....	1,924.62	
Equipment of Dairy Farm and Poultry Buildings	6,600.95	
Land Additional	5,500.00	
Remodeling Old Engineering Hall	140.00	
Machine Shop	254.60	
Special Equipment for College Departments....	2,535.49	
Room Rent fund	2,106.35	\$203,322.79
Total Expenditures for 1906-7 for all purposes..		\$518,780.63

(b) 1907-8.

Educational Support Funds—

Salaries, including administrative officers	\$146,594.89	
Department expenses and equipment	58,051.13	
Administrative and general expenses	16,815.63	
Maintenance of buildings and grounds, including heat, light and janitor service for buildings, and care of campus	52,460.43	\$273,922.08

Agricultural Extension Fund—

Salaries of Extension Staff, including Secretary..	13,924.64	
Current expenses and equipments	7,392.85	21,317.49

Experiment Funds—**Agricultural Experiment Station—**

Salaries of Station Staff and Assistants	27,846.48	
Current Expenses and Equipment	29,397.97	57,244.45

Horse Breeding Experiment—

Salaries	208.33	
Current expenses and horses purchased	2,041.67	2,250.00

Engineering Experiment Station—

Salaries	2,004.51	
Current expenses and equipment	969.76	2,974.27

Good Roads Experimentation—

Salaries	2,120.00	
Current expenses and equipment	2,865.55	4,985.55

Building and Equipment Funds—

Repairs and Contingencies	30,524.54	
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Special Building Tax—

Hall of Agriculture	129,538.62	
Central Building	182.53	
Central Heating Plant	5,610.25	
Dairy Building	43.13	
Dairy Farm Buildings	8,051.31	
Forge Shop	983.25	
Machine Shop	1,000.00	
Central Heating Plant (\$60,000 appropriation) ..	30,755.77	
Dairy Farm Buildings and Farm Equipment ...	2,338.93	
Equipment of Dairy Farm and Poultry Buildings	3,399.05	
Water System Improvement	5,000.00	
Walks and Grading	4,640.91	
Remodeling Old Engineering Hall	6,860.00	
Machine Shop	14,237.12	
Special equipment for College Departments	6,000.63	
Pure Bred Stock Purchase	4,342.15	
Room Rent Fund	2,708.69	\$256,216.88

Total Expenditures for 1907-8 for all purposes	\$618,910.72
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SUMMARY.**Receipts.**

Balances in College and State treasuries,

July 1, 1906	\$ 141,036.38
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Additional funds available in 1906-7.....\$564,979.83

Additional funds available in 1907-8.....	516,728.02	\$1,081,707.85
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Total funds available during biennial period from all sources and for all purposes	\$1,222,744.23
------------------------------------------------------------------------------------	----------------

Expenditures.

During fiscal year 1906-7.....	\$518,780.63	
During fiscal year 1907-8.....	618,910.72	1,137,691.35
Balance in College and State treasuries June 30, 1908.....		85,052.88
		<hr/>
Total		\$1,222,744.23

III. *Balances at Close of Biennial Period, June 30, 1908.*

The balances on hand June 30, 1908, belong to the following funds:

In the hands of the College Treasurer—

College support including student	\$22,288.25
Agricultural extension fund.....	182.51

Experiment Funds—

Agricultural Experiment Station.	\$ 171.91	
Engineering Experiment Station.	763.47	
Good Roads Experimentation....	164.00	1,099.47
	<hr/>	

Building and Equipment Funds—

Machine Shop	2.30	
Walks and Grading	9.09	
Room rent account	819.00	
Tuition transferred to Repair account	963.28	1,793.67
	<hr/>	

Trust funds, railway damages...	88.00	\$25,451.90
	<hr/>	

In State Treasury—

College Extension fund	\$ 5,500.00	
Agricultural Experiment Station.	2,250.00	
Building Tax fund	48,436.69	
Dairy farm and equipment.....	436.14	
Special department equipment...	492.32	
Pure bred stock appropriation...	.44	
Special appropriations of 32d General Assembly, unexpended balance of \$75,000 available.....	2,485.39	\$59,600.98
	<hr/>	

Total balances	<hr/>	\$85,052.88
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It is the policy of the College not to draw funds from the State Treasury until needed. An exception to this occurs at the end of the fiscal year when balances are drawn to avoid any legal question regarding their reversion. The ordinary balance of State funds in the local depository average less than \$5,000.00. The balance in the hands of the State Treasurer is often as high as \$50,000.00. This has been helpful to the State Treasury during the past biennial period.

Under the law, sales of departments and hospital receipts are reported separately. The following are the receipts and expenditures on these accounts during the biennial period.

Sales of Departments.

For year 1906-7.....	\$51,490.12
For year 1907-8.....	57,027.03
Total	\$108,517.15

The proceeds of these sales are re-invested by the departments. This revolving fund as it comes and goes amounts simply to a change in department assets.

College Hospital Account.

Receipts.

Cash on hand July 1, 1906.....	\$ 695.38
Receipts from students and others in 1906-7.....	\$4,390.07
Receipts from students and others in 1907-8.....	3,854.81
Total	\$8,940.26

Disbursements.

For expenses of maintenance, 1906-7.....	\$3,971.46
For expenses of maintenance, 1907-8.....	3,097.87
Total	\$7,069.33
Cash on hand July 1, 1908.....	1,870.93
Total	\$8,940.26

The hospital is self supporting. It neither adds to nor detracts from the income of the College. By the payment of a small fee each semester the student is insured the privileges of the hospital without further expense. The Board simply manages the fund in trust for the student body.

IV. *Number of Instructors and Student Enrollment.*

Instructors.

1906-7.

Professors, assistant professors and administrative officers.....	67
Instructors and assistants	82
Total	149

1907-8.

Professors, assistant professors and administrative officers.....	72
Instructors and assistants	88
Total	160

Student Enrollment.

1906-7.

Division of Agriculture—		
Science and Agriculture	12	
Animal Husbandry	291	
Agronomy	76	
Forestry and Horticulture	32	
Dairy	36	
Academic	14	461
<hr/>		
Division of Veterinary Science—		
Veterinary Medicine	82	82
Division of Engineering—		
Civil Engineering	319	
Mechanical Engineering	152	
Electrical Engineering	293	
Mining Engineering	38	
Academic	1	803
<hr/>		
Division of Science—		
General Science	106	
General and Domestic Science	96	
Domestic Science	46	249
<hr/>		
Miscellaneous—		
Music	21	21
<hr/>		
Total		1616
Winter Short Course		765
<hr/>		
Grand Total		2381

1907-8.

Division of Agriculture—		
Animal Husbandry	298	
Agronomy	76	
Dairy	22	
Horticulture and Forestry	44	
Science and Agriculture	6	
Agriculture	29	475
<hr/>		
One year Dairy	17	17
Division of Veterinary Medicine—		
Veterinary Medicine	108	108
Division of Engineering—		
Civil Engineering	336	
Mechanical Engineering	153	

Electrical Engineering	301	
Mining Engineering	48	
Ceramics	5	843
<hr/>		
Division of Science—		
General Science	77	
General and Domestic Science	92	
Domestic Science	72	241
<hr/>		
Miscellaneous—		
Music	56	56
<hr/>		
Total		1740
Winter Short Course		642
<hr/>		
Grand Total		2382

Respectfully submitted,

E. W. STANTON,
Secretary Board of Trustees.

THE STATE UNIVERSITY OF IOWA.

IOWA CITY.

OFFICE OF THE SECRETARY OF THE BOARD OF REGENTS.
 JANUARY 10, 1908.

To the Members of the Thirty-third General Assembly of the State of Iowa:

I submit herewith my special report for the year commenced July 1, 1906, and ended June 30, 1907, in accordance with the provisions of Chapter 104, acts of the Thirtieth General Assembly.

Very respectfully,

W. J. MCCHESENEY,
Secretary of the Board of Regents.

BOARD OF REGENTS.

Members Ex-Officio.

His Excellency, Albert B. Cummins, Governor of Iowa.
 John F. Riggs, Superintendent of Public Instruction.

Terms Expire 1908.

Fourth District—Alonzo Abernethy, Osage.
 Eleventh District—Parker K. Holbrook, Onawa.
 Tenth District—E. K. Winne, Humboldt.
 Third District—Charles E. Pickett, Waterloo.

Terms Expire 1910.

Fifth District—Thomas B. Hanly, Tipton.
 Eighth District—John W. Lauder, Afton.
 Ninth District—Vernon L. Treynor, Council Bluffs.

Terms Expire 1912.

Sixth District—William D. Tisdale, Ottumwa.

First District—John J. Seerley, Burlington.

Second District—Joe R. Lane, Davenport.

Seventh District—Carroll Wright, Des Moines.

Officers of the Board.

W. J. McChesney, Iowa City, Secretary.

Lovell Swisher, Iowa City, Treasurer.

Parker K. Holbrook,

Alonzo Abernethy,

Joe R. Lane.

Executive Committee.

George E. McLean, President of the University.

THE STATE UNIVERSITY OF IOWA.

IOWA CITY.

Statement of Receipts and Disbursements for the year commenced July 1, 1906, and ended June 30, 1907.

RECEIPTS.

Funds for the erection of buildings, etc.—

(See page 6)\$237,148.70

Income Fund—

(See page 7) 291,867.12

Special Funds—

(See page 8) 42,211.53

Total receipts\$571,227.35

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, and the W. J. Bryan Prize Interest Fund, are not shown in this statement, as these funds are held in trust by the University, the income going to pay scholarships, prizes, etc., and in no way affecting the University's income.

The hospital funds are not included in the above statement. For accounts of these funds, see pages 9 and 17.

DISBURSEMENTS.

Funds for the erection of buildings, etc.—

Building Tax (See page 11) \$130,749.37

Engineer Building Fund

(See page 11) 166.80

Hospital Wing Fund (See

page 11) 16,301.71

\$147,217.88

Engineering Shops, etc.		
Fund (See page 11).....	\$ 26,617.22	
Repair and Contingent Fund		
(See page 12).....	9,806.82	
Equipment and Supply Fund		
(See page 13).....	8,026.84	
Equipment Fund New Medical Buildings (See page 13)	355.12	
Equipment Natural Science Building Fund (See page 13)	563.30	45,369.30
Income Fund (See pages 14 and 15)		300,893.16
Special Funds—		
Library Fund (See page 15)	5,038.63	
Special Land Fund (See page 15)	21,456.09	
Donated Land Fund (See page 15)	1,109.18	
Paving and Sidewalks Fund (See page 16).....	6,124.24	
Dam and Water Power Fund (See page 16)....	5,734.45	
New Boiler Fund (See page 16)	3,825.30	43,287.89
Total disbursements		\$536,768.23

BALANCES IN FUNDS IN UNIVERSITY TREASURY, JUNE 30, 1907.

Funds for the Erection of buildings, etc.—		
Building Tax Fund.....	\$ 21,400.15	
University Hospital Wing Fund.....	3,698.29	
Equipment and Supplies Fund.....	23.81	
Equipment Fund New Medical Building..	619.79	
Equipment Fund, Natural Science Building, etc.	15,436.70	
Engineering Shops, etc., Fund.....	3,382.78	
Income Fund (excluding hospital accounts for the year)	\$ 9,026.04	
Special Funds—		
Library Fund.....		6.91
Special Land Fund.....	1,775.78	
Donated Land Fund	1,239.05	
Paving and Sidewalks Fund.	575.49	
Tunnel and Extension Fund		28.95
	\$ 11,377.31	\$ 45,836.43
Less overdrafts		11,377.31
Balance, June 30, 1907..		\$ 34,459.12

The University has no balances in departments to report, since any unexpected balances in departmental appropriations revert to Income Fund at the close of each fiscal year.

Total Receipts, as shown.....		\$571,227.35
Total Disbursements	\$536,768.23	
Balances	34,459.12	
	<u>\$571,227.35</u>	<u>\$571,227.35</u>

Amount of moneys available from all sources, during the year commenced July 1, 1906, and ended June 30, 1907, for the erection, equipment, improvement, and repair of buildings at the University.

1-5 Mill Building Tax Fund (Twenty-ninth General Assembly, Chapter 171, Section 2.)

Balance in Bldg. Tax Fund July 1, 1906..	\$	8,620.68	
Balance in Building Tax Fund carried under Engineering Building Fund.....		166.80	
Received—state warrants.....		145,000.00	
Received—sale of old material.....		30.75	
Credit to correct error of previous year under Natural Science Building Account09	
		<u></u>	\$153,818.32

University Hospital Wing Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Received—state warrants	\$	20,000.00	
		<u></u>	\$ 20,000.00

Equipment and Supplies Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Balance on hand, July 1, 1906.....	\$	50.65	
Received—state warrants		8,000.00	
		<u></u>	\$ 8,050.65

Equipment Fund New Medical Buildings (Thirtieth General Assembly, Chapter 183, Section 2.)

Balance on hand, July 1, 1906.....	\$	974.91	
		<u></u>	\$ 974.91

Equipment Fund Natural Science Building (Thirty-first General Assembly, Chapter 182, Section 2.)

Received—state warrants	\$	16,000.00	
		<u></u>	\$ 16,000.00

Repair and Contingent Fund (Thirtieth General Assembly, Chapter 156, Section 2.)

Balance on hand, July 1, 1906.....	\$	4.42	
Received—state warrants		7,500.00	
Miscellaneous receipts		11.95	
Transferred from Income Fund.....		2,290.45	
		<u></u>	\$ 9,806.82

Engineering Shops, etc., Fund (Thirty-first General Assembly, Chapter 162, Section 2.)

Received—state warrants	\$ 30,000.00	
		\$ 30,000.00

Transfer from Building Tax Fund to Dam and Water Power Fund	\$ 1,500.00	
Transfer from Building Tax Fund to Engineering Building Fund	2.00	1,502.00

Total		\$237,148.70
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Receipts from all sources, during the year commenced July 1, 1906, and ended June 30, 1907, going to make up the "Income Fund" of the University, except hospital receipts.

State Appropriations for Support—

Code, 1897, Section 2643.....	\$ 65,500.00	
Twenty-seventh General Assembly, Chapter 142, Section 1.....	10,000.00	
Twenty-eighth General Assembly, Chapter 152, Section 2.....	50,000.00	
Twenty-ninth General Assembly, Chapter 183, Section 2	35,000.00	
Thirtieth General Assembly, Chapter 156, Section 2	25,000.00	
Thirty-first General Assembly, Chapter 182, Section 2.....	19,333.00	
		\$204,833.33

Tuitions—

College of Liberal Arts	\$ 15,182.50	
College of Applied Science.....	3,943.25	
College of Law	9,375.25	
College of Medicine.....	13,873.00	
College of Homeopathic Medicine.....	2,158.25	
College of Dentistry	9,903.66	
College of Pharmacy	2,303.50	
Graduate College	210.50	
Summer Session and Library School....	1,527.50	
Special Examination Fees.....	184.00	
School of Music	4,427.00	
		\$ 63,088.41
Diploma fees		\$ 3,280.00
Ophthalmology, and Otology Receipts....		567.08
Dental Clinic Receipts.....		7,490.08
Law Loan Book Account.....		241.25
Miscellaneous Cash—rents, material sold,		

laboratory breakage deposits, net, locker rents, etc.	1,690.95
Interest on permanent land endowment fund	12,086.93
Rent on permanent land endowment fund.	258.09
Interest on daily bank balance.....	1,253.08
Warrants cancelled	181.33
Total	\$294,970.53
Balance on hand in Income Fund, July 1, 1906 less hospital balances.....	2,188.22
	\$297,158.75

Transfers—

Income to Dam and Water Power fund....\$	2,675.88
Income to Repair and Contingent Fund..	2,290.45
Income to New Boiler Fund.....	325.30
	5,291.63
	\$291,867.12

Amount of moneys available for special purposes not connected with "erection, equipment, improvement, and repair of buildings," or going to make up the "Income Fund" of the University, during the year commenced July 1, 1906, and ended June 30, 1907.

Library Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Balance in library fund, July 1, 1906.....\$	40.29
Received—State warrants.....	5,000.00
Received—from sale of supplies.....	5.25
	\$ 5,045.54

Special Land Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Balance in special land fund, July 1, 1906.\$	802.31
Received—State warrants.....	18,000.00
Received—rents	878.00
	\$ 19,680.31

Donated Land Fund—

Balance in donated land fund, July 1, 1906.\$	1,982.91
Received—rents	231.00
Athletic Union—bleachers	134.32
	\$ 2,348.23

Paving and Sidewalks Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Balance in paving and sidewalks fund,

July 1, 1906	\$ 2,987.40
Received—State warrants	2,500.00
Received—sale of material	61.35

\$ 5,548.75

Dam and Water Power Fund (Thirtieth General Assembly, Chapter 156, Section 2.)

Balance in dam and water power fund,

July 1, 1906	\$ 1,558.57
Received—transfer from income fund....	2,675.88
Received—transfer from building tax fund	1,500.00

5,734.45

New Boiler Fund (Thirty-first General Assembly, Chapter 182, Section 2.)

Received—State warrants.....	\$ 3,500.00
Received—transfer from income fund....	325.30

\$ 3,825.30

Tunnel and Extension Fund—

Balance in tunnel and extension fund, July

1, 1906	\$ 28.95
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28.95

Total\$ 42,211.53

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, and the J. W. Bryan Prize Interest Fund, are not shown in this statement, as these funds are held in trust by the University, the income going to pay scholarships, prizes, etc., and in no way affecting the University's income.

Hospital receipts at the University for the year commenced July 1, 1906, and ended June 30, 1907.

University Hospital—

Balance to credit of University hospital,

July 1, 1906	\$ 930.53
Hospital earnings	\$ 17,649.48
Nurses' earnings outside of hospital.....	257.35
Operating room fees	2,415.00

Total receipts 20,321.83

\$ 21,252.36

University Homeopathic Hospital—

Balance to credit of Homeopathic hospital,

July 1, 1906	1,240.64
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Hospital earnings	\$ 6,901.78
Nurses' earnings outside of hospital.....	1,036.36
Operating room fees	817.50

Total receipts	8,755.94
	<hr/>
	\$ 9,996.58

Expenditures from funds for the erection, equipment, improvement, and repair of buildings at the University, during the year commenced July 1, 1906, and ended June 30, 1907.

1-5 Mill Building Tax Fund—

Expended under head of "Natural Science Building Fund," to pay for the erection of the Natural Science building. (For detailed account of this fund, see Secretary's printed annual report).....	\$ 96,920.58
Expended under head of "University Hospital Wing Fund." For detailed account of this fund, see Secretary's printed annual report.) Further expenditures on this building under University hospital wing fund.....	11,323.66
Expended on engineering building addition	700.00
Expended for erection of steam engineering laboratory	9,012.25
Expended for improvement of School of music building	1,320.21
Expended for erection of dental building addition	5,495.40
Expended for erection of Hydro-electric power plant	3,397.76
Expended for erection of greenhouse....	62.30
Expended for erection of animal house...	228.96
Expended for improvement of University hospital boiler house.....	476.75
Miscellaneous improvements on buildings.	11.50
G. H. Ellsworth—Salary as superintendent of construction	1,800.00
	<hr/>
Total expenditures, Building Tax.....	\$130,749.37
Balance in Building Tax Fund, July 1, 1906	21,400.15
	<hr/>
	\$152,149.52

Engineering Building Fund—

Buffalo Forge Co.—Balance on contract for fan system, which closes fund.....	\$ 166.80
------------------------------------------------------------------------------	-----------

University Hospital Wing Fund—

Rawson & Son—on contract.....	\$ 13,844.57	
Proudfoot & Bird—plans.....	1,022.06	
Plumbing	1,070.19	
Electrical work	83.63	
Steam fitting	277.11	
Fair system	4.15	
		<hr/>
Total expenditures		\$ 16,301.71
Balance on hand, June 30, 1907.....		3,698.29

\$ 20,000.00

Engineering Shops, Etc., Fund—

Power house foundation.....	\$ 6,126.52	
Transmission lines	4,462.75	
Steam laboratory	59.00	
Canal for hydraulic experiments.....	49.75	
Retaining wall	1,230.51	
Equipment hydro-electric power house...	14,007.48	
Head gates	279.58	
Trash racks	221.63	
Filling and grading	180.00	
		<hr/>
Total expenditures		\$ 26,617.22
Balance on hand, June 30, 1907.....		3,382.78

\$ 30,000.00

Repair and Contingent Fund—

General repairs	\$ 1,766.49	
Steam fitting repairs	457.01	
Plumbing repairs	883.44	
Electrical repairs	641.32	
Repairs to boilers.....	385.82	
Old Capitol Building—painting and repairs	369.20	
Old Science Building—painting and repairs	12.10	
Unity Hall—painting and repairs.....	653.29	
University Hospital—painting and repairs	758.11	
Homeopathic Hospital—painting and repairs	403.62	
University Laundry—painting and repairs.	207.93	
Chemical Laboratory—painting and repairs	177.15	
Athletic Field—care and improvement...	236.19	
Dike—athletic field	1,269.55	
Care of campus	109.72	
Madison street sewer	594.90	
Steam Laboratory sewer.....	51.23	
Hydraulic Laboratory—U. S. Gov't. Ser...	594.90	
Department of Education—cases	71.88	

Hall of Liberal Arts—painting.....	48.00
Floor surfacing machine.....	322.57
Miscellaneous repairs	1.34

Total expenditures	\$ 9,806.82
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Equipment and Supplies Fund—

College of Applied Science—equipment...\$	5,999.03
Physics and Mechanics—equipment.....	1,336.17
Commercial Museum—equipment	327.79
Philosophy and Psychology—equipment..	295.50
Gynecology and Obstetrics—equipment..	68.35

Total expenditures.....	\$ 8,026.84
Balance on hand, June 30, 1907.....	23.81

\$ 8,050.65

Equipment Fund, New Medical Buildings—

Department of Anatomy—equipment....\$	355.12
Balance on hand, June 30, 1907.....	619.79

\$ 974.91

Equipment Fund, Natural Science Building, etc.—

Natural Science Building—equipment....	563.30
Balance on hand, June 30, 1907.....	15,436.70

\$16,000.00

Expenditures from Income Fund for the year commenced July 1, 1906, and ended June 30, 1907. (For itemized account of all disbursements summarized below, see Secretary's printed annual report.)

Cost of Instruction:

College of Liberal Arts.....\$	90,076.33
College of Applied Science	18,340.00
College of Law	12,650.01
College of Medicine	23,375.10
College of Homeo. Medicine.....	5,550.00
College of Dentistry.....	14,320.00
College of Pharmacy	3,700.00
Graduate College	3,530.15
Summer Session and Library School.....	5,343.33

Total cost of instruction.....	\$176,884.92
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Cost of Administration:

Salaries	\$ 12,325.00
Supplies	1,753.34

Total cost of administration.....	\$ 14,078.34
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General Library:

Salaries	\$ 4,295.00
Supplies	621.55

Total expense of library from Income

Fund \$ 4,916.55

(Books, periodicals and binding are paid for from the special library appropriation; see page 15.)

Cost of Apparatus and Supplies of Departments:

College of Liberal Arts.....	\$ 7,496.07
College of Applied Science.....	2,802.08
College of Law.....	102.04
College of Medicine.....	9,749.20
College of Homeo. Medicine.....	92.37
College of Dentistry	11,498.08
College of Pharmacy.....	1,089.54
Graduate College	10.35
Summer Session and Library School.....	222.64

Total cost of apparatus and supplies of departments

\$ 33,062.37

University Extension Expenses.....

256.66

Fixed Charges, or General Expenditures—such as fuel, light, janitor service, services of engineer, firemen, etc.....

\$ 67,109.52

Tuition refund.....

157.75

Tuition, School of Music—turned over to Effie Mae Proffitt, director of the school..

4,427.00

Charge on the Secretary's books to correct error

.05

Total Expenditures, Income Fund...

\$300,893.16

Transfer to Dam and Water Power Fund...\$ 2,675.88

Transfer to Repair and Contingent Fund.... 2,290.45

Transfer to New Boiler Fund..... 325.30

5,291.63

\$306,184.79

Overdraft on Income Fund, June 30, 1907..

9,026.04

\$297,158.75

Expenditures for special purposes, not connected with the "erection, equipment, improvement, and repair of buildings," or going to make up the Income Fund of the University, during the year commenced July 1, 1906, and ended June 30, 1907.

Library Fund—

Expended for books, binding and periodicals, as set out in the Secretary's printed annual report	\$ 5,038.63
Balance on hand, June 30, 1907.....	6.91

\$ 5,045.54

Special Land Fund—

Expended for land and for rent of buildings as set out in the Secretary's printed annual report	\$ 21,456.09
Overdraft on Special Land Fund, June 30, 1907	1,775.78

\$ 19,680.31

Donated Land Fund—

Expended for erection of bleachers at Athletic Park	\$ 1,109.18
Balance on hand, June 30, 1907.....	1,239.05

\$ 2,348.23

Paving and Sidewalk Fund—

Expended for paving, curbing, sidewalks, etc., as set out in Secretary's printed annual report	\$ 6,124.24
Overdraft on Paving and Sidewalks Fund, June 30, 1907.....	575.49

\$5,548.75

Dam and Water Power Fund—

Expended for miscellaneous expense.....	\$ 184.05
Wm. Horrabin, on contract.....	5,550.40

Total expenditures \$ 5,734.45

New Boiler Fund—

Expended for 330 h.-p. boiler, piping and setting	\$ 3,825.30
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EXPENDITURES FROM HOSPITAL RECEIPTS FOR THE YEAR COMMENCED JULY 1, 1906, AND ENDED JUNE 30, 1907.

University Hospital—

Salaries	\$ 4,071.62
Help	1,914.48
Provisions	8,458.25
Household	3,567.95
Medicine	2,873.81

Total expenditures \$ 20,886.11

Balance in Income Fund to credit of University Hospital	366.25
	<hr/>
	\$ 21,252.36
University Homeopathic Hospital—	
Salaries	\$ 1,903.00
Help	435.52
Provisions	2,839.52
Household	1,829.39
Medicine	1,319.34
	<hr/>
Total expenditures	\$ 8,326.77
Balance in Income Fund to credit of University Homeopathic Hospital.....	1,669.81
	<hr/>
	\$ 9,996.58

THE STATE UNIVERSITY OF IOWA.

IOWA CITY.

OFFICE OF THE SECRETARY OF THE BOARD OF REGENTS.

JANUARY 10, 1909.

To the Members of the Thirty-third General Assembly of the State of Iowa:

I submit herewith my special report for the year commenced July 1, 1907, and ended June 30, 1908, in accordance with the provisions of Chapter 104, acts of the Thirtieth General Assembly.

Very respectfully,

W. J. MCCHESENEY,
Secretary of the Board of Regents.

THE BOARD OF REGENTS.

Members Ex-Officiis.

His Excellency, Albert B. Cummins, Governor of Iowa.
John F. Riggs, Superintendent of Public Instruction.

Terms Expire 1910.

Fifth District—Charles A. Clark, Cedar Rapids.
Eighth District—John W. Lauder, Afton.
Ninth District—Vernon L. Treynor, Council Bluffs.

Terms Expire 1912.

Sixth District—William D. Tisdale, Ottumwa.
First District—John J. Seerley, Burlington.
Second District—Joe R. Lane, Davenport.
Seventh District—Carroll Wright, Des Moines.

Terms Expire 1914.

Fourth District—Alonzo Abernethy, Osage.
Eleventh District—Parker K. Holbrook, Onawa.

Tenth District—Thomas D. Healy, Fort Dodge.

Third District—Charles E. Pickett, Waterloo.

Officers of the Board.

W. J. McChesney, Iowa City, Secretary.

Lovell Swisher, Iowa City, Treasurer.

Parker K. Holbrook,

Alonzo Abernethy,

Joe R. Lane,

Executive Committee.

George E. MacLean, President of the University.

THE STATE UNIVERSITY OF IOWA.

IOWA CITY.

Statement of Receipts and Disbursements for the year commenced July 1, 1907, and ended June 30, 1908.

RECEIPTS.

Funds for the erection of buildings, etc.—

(See page 6).....\$224,336.51

Income Fund—

(See page 7)..... 330,204.82

Special Funds—

(See page 8)..... 24,644.20

Total receipts\$579,185.53

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, and the W. J. Bryan Prize Interest Fund, are not shown in this statement, as these funds are held in trust by the University, the income going to pay scholarships, prizes, etc., and in no way affecting the University's income.

The hospital funds are not included in the above statement. For accounts of these funds see pages 9 and 17.

DISBURSEMENTS.

Funds for the erection of buildings etc.—

Building Tax (See page 10).....\$142,357.71

Hospital Wing (See page 11)..... 3,698.29

\$146,056.00

Equipment and Supplies Fund (See
page 12)\$ 8,909.99

Equipment Fund, New Medical

Buildings (See page 12)..... 93.28

Equipment Fund, New Science

Building, etc. (See page 13).... 52,678.30

Repair and Contingent Fund (See page 11)	11,060.15	
Engineering Shops, etc., Fund (See page 12)	3,042.20	75,783.92
Income Fund (See pages 14 and 15...		329,463.94
Special Funds—		
Library Fund (See page 15).....\$	5,054.26	
Special Land Fund (See page 15)..	10,766.70	
Paving and Sidewalks See page 16)	2,286.12	
Tunnel and Extension Fund (See page 15)	28.95	
Care and Improvement of Campus Fund (see page 16).....	1,982.98	20,119.01
Total disbursements		<u>\$571,422.87</u>

BALANCES IN UNIVERSITY TREASURY, JUNE 30, 1908.

Funds for erection of buildings, etc.—		
Building Tax Fund.....\$	20,083.34	
Equipment and Supplies Fund.....	1,113.82	
Equipment Fund, New Medical Buildings.....	526.51	
Equipment Fund, Natural Science Building, etc.	\$ 19,741.60	
Repair and Contingent Fund.....	.50	
Engineering Shops, etc., Fund.....		515.02
Income Fund (excluding hospital surpluses for the year).....		740.88
Special Funds—		
Special Land Fund.....		2,794.30
Donated Land Fund.....		1,473.05
Paving and Sidewalks Fund.....		240.14
Care and Improvement of Campus Fund		17.70
	<u>\$ 19,742.10</u>	<u>\$ 27,504.76</u>
Less overdrafts		19,742.10
Total balances		<u>\$ 7,762.66</u>

The University has no balances in departments to report, since any unexpected balances in departmental appropriations revert to Income Fund at the close of each fiscal year.

Total receipts, as shown.....		\$579,185.53
Total disbursements	\$571,422.87	
Balances	7,762.66	
	<u>\$579,185.53</u>	<u>\$579,185.53</u>

Amount of moneys available from all sources, during the year commenced July 1, 1907, and ended June 30, 1908, for the erection, equipment, improvement, and repair of buildings at the University.

1-5 Mill Building Tax Fund (Twenty-ninth General Assembly, Chapter 171, Section 2)—

Balance in Building Tax Fund proper, July 1,	
1907	\$ 21,400.15
Received—state warrants.....	141,000.00
Transferred from Hospital Wing Fund.....	108.77
Received—sale of old material.....	40.90

\$162,549.82

University Hospital Wing Fund—

Balance in University Hospital Wing Fund	
July 1, 1907.....	3,698.29

Equipment and Supplies Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Balance in Equipment and Supplies Fund,	
July 1, 1907	\$ 23.81
Received—state warrants	10,000.00

10,023.81

Equipment Fund, New Medical Buildings—

Balance in Equipment Fund, New Medical	
Buildings, July 1, 1907.....	619.79

Equipment Fund, Natural Science Building, etc. (Thirty-second General Assembly, Chapter 214, Section 2)—

Balance in Equipment Fund, Natural Science	
Building, etc.	\$ 15,436.70
Received—state warrants	17,500.00

32,936.70

Repair and Contingent Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Received—state warrants	\$ 2,500.00
Received —state warrants (Thirty-second Gen-	
eral Assembly, Chapter 212, Section 2).....	7,500.00
Received—sale of old material.....	66.05
Received—transferred from Income Fund.....	993.60

11,059.65

Engineering Shops, etc., Fund—

Balance on hand, July 1, 1907.....	\$ 3,382.78
Received—sale of old material.....	174.44

3,557.22

Total \$224,445.28

Less transfer from University Hospital Wing Fund
to Building Tax Fund, included under Building
Tax expenditures

108.77

\$224,336.51

Receipts from all sources, during the year commenced July 1, 1907, and ended June 30, 1908, going to make up the "Income Fund" of the University, except hospital receipts.

State Appropriations for Support—

Thirty-second General Assembly, Chapter 212,	
Section 2	\$204,125.00
Thirty-second General Assembly, Chapter 214,	
Section 2	33,541.67

\$237,666.67

Tuitions—

College of Liberal Arts	\$ 16,165.50
College of Applied Science	3,937.00
College of Law	10,468.50
College of Medicine	13,227.00
College of Homeopathic Medicine	2,168.25
College of Dentistry	9,796.00
College of Pharmacy	2,693.25
Graduate College	195.25
Summer Session and Library School	955.00
Special Examination fees	196.00
School of Music	5,032.00

64,833.75

Diploma fees	3,440.00
Ophthalmology and Otology receipts	671.61
Dental Clinic receipts	8,578.81
Interest on daily bank balances	1,271.46
Law Loan Book Account	321.25
Miscellaneous cash—rents, material sold, laboratory breakage deposits, net, locker rental, etc.	1,972.16
Interest on permanent land fund	12,195.06
Rent on permanent land fund	200.00
Warrants canceled	95.00

Total \$331,245.77

Less transfer from Income to Repair and Contingent Fund	\$ 993.60	
Less transfer from Income to Library Fund	47.35	1,040.95
		<u>\$330,204.82</u>

Amount of money available for special purposes not connected with "erection, equipment, improvement, and repair of buildings," or going to make up the "Income Fund" of the University during the year commenced July 1, 1907, and ended June 30, 1908.

Library Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Balance in Library Fund, July 1, 1907	\$ 6.91
Received—state warrants	5,000.00
Transferred from Law Loan Book Account	47.35

\$ 5,054.26

Special Land Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Received—state warrants	\$ 12,500.00
Rents	1,061.00

13,561.00

Donated Land Fund—

Balance on hand, July 1, 1907.....	\$ 1,239.05
Rents	234.00

1,473.05

Paving and Sidewalks Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Received—state warrants	\$ 2,500.00
Received from sale of old material.....	26.26

2,526.26

Tunnel and Extension Fund—

Balance on hand, July 1, 1907.....	28.95
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Care and Improvement of Campus Fund (Thirty-second General Assembly, Chapter 214, Section 2)—

Received—state warrants	\$ 2,000.00
Warrants canceled68

2,000.68

\$ 24,644.20

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, and the W. J. Bryan Prize Interest Fund, are not shown in this statement, as these funds are held in trust by the University, the income going to pay scholarships, prizes, etc., and in no way affecting the University's income.

Hospital receipts at the University for the year commenced July 1, 1907, and ended June 30, 1908.

University Hospital—

Balance to credit of hospital, July 1, 1907.....	\$ 366.25
Hospital earnings	\$ 24,083.71
Nurses' earnings outside of hospital	1,348.83
Operating room fees.....	3,020.00

28,452.54

Total receipts

\$ 28,818.79

University Homeopathic Hospital—

Balance to credit of hospital, July 1, 1907	\$ 1,669.81
Nurses' earnings outside of hospital	746.20
Operating room fees	714.50
Hospital earnings	6,553.61

8,014.96

Total receipts \$ 9,684.77

Expenditures from funds for the erection, equipment, improvement, and repair of buildings at the University, during the year commenced July 1, 1907, and ended June 30, 1908.

1-5 Mill Building Tax Fund—

Expended for the erection of the Natural Science Building. (For detailed account of the expenditures on this building, see Secretary's printed annual report.).....	\$ 57,438.84
Expended for the erection of the East Wing of the University Hospital. (For detailed account of the expenditures from this Hospital Wing Fund, see Secretary's printed annual report.)	32,211.84
Expended for erection of greenhouse.....	3,384.96
Expended for erection of Steam Engineering Laboratory	178.74
Expended for erection of Engineering Building Addition. (For detailed account of the expenditures on this building, see Secretary's printed annual report.).....	32,607.42
Expended for erection of President's House. (For detailed account of the expenditures on this building, see Secretary's printed annual report.)	8,497.02
Repairs and improvements, University Hospital.	6,138.21
Repairs—Hydro-Electric Power House.....	9.45
G. H. Ellsworth—salary as Superintendent of Construction	2,000.00

Total expenditures	\$142,466.48
Balance on hand, July 1, 1908.....	20,083.34

\$162,549.82

University Hospital Wing Fund—

Expended for erection of east wing of University Hospital. (Building completed from Building Tax Fund.)	\$ 3,589.52
Transferred to Building Tax Fund.....	108.77

\$ 3,698.29

Repair and Contingent Fund—

General repairs	\$ 2,997.11
Plumbing repairs	742.14
Electrical repairs	718.76
Athletic Field—Bleachers and Ticket Office.....	372.08
Heating Plant repairs.....	1,148.22

Chemical Laboratory—painting and repairs....	103.61
Liberal Arts Building—painting, blackboards, etc	1,605.33
University Hospital—painting and repairing....	494.22
Homeopathic Hospital—painting and repairing..	210.77
Physics Building—painting and repairing.....	5.00
Electrical Engineering Building—painting and repairing	111.59
Dental Building—painting and repairing.....	263.16
Old Science Building—painting and repairing..	82.22
Engineering Building—painting and repairing..	57.61
Old Capitol Building—painting and repairing..	75.55
Plumbing Shop—repairing	93.62
Power House—repairing	18.40
Extension of electric lighting system.....	145.47
Campus lighting	445.32
Sub-station tunnel	33.94
Flood sewer—Natural Science Building.....	163.20
Watchmen's clocks	150.00
Laundry motor repairs.....	23.72
Lighting fixtures	83.77
Pharmacy hoods	29.01
Botany—tables	95.79
Fire hose	286.20
Moving library	274.80
Moving departments of zoology and animal biol- ogy, and museum	53.60
Moving herbarium	175.94

\$ 11,060.15

Overdrawn June 30, 190850

\$11,059.65

Engineering Shops, Etc., Fund—

Transmission	\$ 505.53
Steam Laboratory	70.50
Hydraulic Plant	2,403.73
Filling	16.44
Concrete floors	46.00

Total expenditures.....	\$ 3,042.20
Balance on hand June 30, 1908	515.02

\$ 3,557.22

Equipment and Supplies Fund—

College of Applied Science—equipment.....	\$ 4,946.01
Physics and Mechanics—equipment.....	913.29
Commercial Museum—equipment	317.91
Dental Laboratory—equipment	325.58
University Laundry—equipment	498.38

College of Medicine—equipment.....	340.33	
Chemical Laboratory—tables	231.55	
Electrical supplies	1,289.44	
Gas lighting fixtures.....	47.50	
		<hr/>
Total expenditures		\$ 8,909.99
Balance on hand, June 30, 1908.....		1,113.82
		<hr/>
		\$ 10,023.81
Equipment Fund, New Medical Buildings—		
Equipment, department of anatomy.....\$	75.83	
Equipment, department of Pathology and bac-		
teriology	17.45	
		<hr/>
Total expenditures		\$ 93.28
Balance on hand, June 30, 1908.....		526.51
		<hr/>
		\$ 619.79
Equipment Fund, Natural Science Building, Etc.—		
Natural Science Building:		
Seating auditorium	\$ 5,627.18	
Lighting fixtures	7.90	
Furniture	2,016.20	
Library furniture	3,269.71	
Furniture — zoology.....	3,816.44	
Furniture—animal biology	6,361.91	
Furniture — museum.....	18,309.02	
Miscellaneous equipment	236.43	
		<hr/>
		\$ 39,644.79
Hospital Wing:		
Sterilizers	\$ 1,179.47	
Equipment and furniture.....	5,292.43	
		<hr/>
		6,471.90
Steam Engineering Laboratory:		
Equipment		6,561.61
		<hr/>
Total expenditures		\$ 52,678.30
Overdrawn, June 30, 1908.....		19,741.60
		<hr/>
		\$ 32,936.70

The Thirty-second General Assembly appropriated \$35,000 for the equipment of the Hall of Natural Science, the new wing to the University Hospital, and the Steam Engineering Laboratory. It was necessary to equip these buildings before all the money was available, only one-half being drawn before July 1, 1908, when the other one-half was drawn and deposited to the credit of this fund.

Expenditures from Income Fund for the year commenced July 1, 1907, and ended June 30, 1908. (For an itemized account of all disbursements summarized below, see Secretary's printed annual report.)

Cost of Instruction:

College of Liberal Arts.....	\$ 98,821.00
College of Applied Science.....	24,220.00
College of Law.....	13,750.00
College of Medicine.....	25,075.00
College of Homeopathic Medicine.....	5,300.00
College of Dentistry.....	14,373.00
College of Pharmacy.....	3,550.00
Graduate College	3,492.50
Summer Session and Library School.....	6,305.00

Total cost of instruction.....	\$194,886.50
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Cost of Administration:

Salaries	\$ 13,061.67
Supplies, etc.	1,384.05

Total cost of administration.....	\$ 14,445.72
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General Library:

Salaries	\$ 4,578.96
Supplies, etc.	683.49

(Books, periodicals, and binding are paid for from the special library apprn; see page 15.)

Total expense of library from Income Fund..	\$ 5,262.45
---------------------------------------------	-------------

Cost of Apparatus and Supplies of Departments:

College of Liberal Arts.....	\$ 8,307.47
College of Law.....	202.34
College of Medicine.....	10,428.47
College of Homeopathic Medicine.....	167.29
College of Dentistry	6,562.07
College of Pharmacy	1,444.30
Graduate College	41.25
Summer Session and Library School.....	195.00

Total cost of apparatus and supplies of departments	\$ 27,348.19
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University Extension Expenses.....	361.44
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Law Loan Book Account Expenses—law books....	388.75
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Fixed Charges, or General Expenditures—such as fuel, light, janitor service, engineer, fireman, etc.	72,407.85
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Tuitions refunded	305.00
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Tuitions—School of Music—turned over to Effie Mae Proffit, Director of the School.....	5,032.00
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Total expenditures, Income Fund.....	\$320,437.90
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Overdraft of previous year.....	9,026.04
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	\$329,463.94
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Transferred to Repair and Contingent Fund.....	\$ 993.60	
Transferred to Library Fund.....	47.35	
		<hr/>
		1,040.95
		<hr/>
		\$330,504.89
Balance on hand, June 30, 1908.....		740.88
		<hr/>
		\$331,245.77

Expenditures for special purposes, not connected with the "erection, equipment, improvement, and repair of buildings," or going to make up the "Income Fund" of the University, during the year commenced July 1, 1907, and ended June 30, 1908.

Library Fund—

Expended for books, periodicals, and binding, as set out in the Secretary's printed report..... \$ 5,054.26

Special Land Fund—

Expended for land, as set out in the Secretary's printed annual report.....\$ 8,990.92
Overdraft of previous year..... 1,775.78

Balance on hand, June 30, 1908..... \$ 10,766.70
2,794.30

\$ 13,561.00

Donated Land Fund—

Balance on hand, June 30, 1908..... \$ 1,473.05

Tunnel and Extension Fund—

Expended for material..... \$ 28.95

Paving and Sidewalks Fund—

Expended for cement walks and campus driveway\$ 1,710.63
Overdraft of previous year..... 575.49

Balance on hand, June 30, 1908 \$ 2,286.12
240.14

\$ 2,526.26

Care and Improvement of Campus Fund—

Expended for labor, seeding, planting, grading and hauling\$ 1,982.98
Balance on hand, June 30, 1908..... 17.70

\$ 2,000.68

EXPENDITURES FROM HOSPITAL RECEIPTS FOR THE YEAR COMMENCED JULY 1 1907, AND ENDED JUNE 30, 1908.

University Hospital—

Salaries\$ 4,999.85
Help 2,506.64

Provisions	8,554.52	
Household	7,199.30	
Medicine	3,248.88	
		<hr/>
Total Expenditures		\$ 26,509.19
Balance in Income Fund to credit of University Hospital, June 30, 1908.....		2,309.60
		<hr/>
		\$ 28,818.79

University Homeopathic Hospital—

Salaries	\$ 2,150.00	
Help	506.11	
Provisions	3,687.07	
Household	2,140.92	
Medicine	1,110.15	
		<hr/>
Total Expenditures		\$ 9,594.25
Balance in Income Fund to credit of University Homeopathic Hospital, June 30, 1908.....		90.52
		<hr/>
		\$ 9,684.77

IOWA STATE NORMAL SCHOOL.

IOWA STATE NORMAL SCHOOL SPECIAL FINANCIAL REPORT, FISCAL PERIOD JULY 1, 1906 TO JUNE 30, 1908—ESTIMATED INCOME AND EXPENSES FOR FISCAL PERIOD JULY 1, 1909, TO JUNE 30, 1911.

To the Members of the Thirty-third General Assembly of the State of Iowa:

GENTLEMEN—The officers of the State Normal School have already filed the following reports concerning the fiscal affairs of this State Educational Institution: (1) Report to the Governor (Code 1897, Sec. 2680); (2) Report to the Executive Council (Chapter 6, Acts of the 28th General Assembly).

It is necessary to refer to these for additional details should they be desired. This report is in conformity to Chapter 104, Laws of the 30th General Assembly. It contains the following:

1. Summaries of the several funds for the fiscal period.
2. An estimate of the income and the expenses that may be anticipated for the fiscal period 1909-1911.

The endeavor is made to fully comply with the requirements of the law and also to give such information as will aid the General Assembly to

properly and economically provide for the support and development of this College for the Education and Training of Public School Teachers.
SUMMARIES OF THE SEVERAL FUNDS FOR THE BIENNIAL PERIOD JULY 1, 1906,

TO JUNE 30, 1908.

I. *Mileage Fund (1-10 Mill Tax.)*

On hand July 1, 1906	\$	24.03
State warrants—1906-1908		122,337.38
Freight refunded		1.20
Expended—1906-1908	\$119,937.03	
Balance on hand, June 30, 1906	2,425.58	

Total	\$122,362.61	\$122,362.61
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II. *Teachers' Fund.*

On hand July 1, 1906	\$	5,862.49
State Warrants—1906-1908		155,000.00
From student fees		9,772.59
Expended—1906-1908	\$170,635.08	
Account balanced, June 30, 1908		

	\$170,635.08	\$170,635.08
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III. *Contingent Fund.*

On hand July 1, 1906	\$	7,016.57
State warrants—1906-1908		68,000.00
Sale of material		2,040.46
From student fees		13,000.00
Tuition, Ind. Dist. Cedar Falls—1906-1907.....		2,002.65
Tuition, Ind. Dist. Cedar Falls—1907-1908.....		2,308.51
Tuition, Sch. Dist. No. Five—1906-1907....		244.60
Tuition, Sch. Dist. No. 5—1907-1908		240.02
Expended—1906-1908	\$	90,365.58
Balance on hand, June 30, 1908	4,487.23	

	\$ 94,852.81	\$ 94,852.81
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IV. *Summer Term Fund.*

On hand, July 1, 1906	\$	216.65
State warrants—1906-1908		16,000.00
From student fees		11,361.85
Paid for instruction—1906-1907	\$	27,578.50
Account balanced, June 30, 1908		

	\$ 27,578.50	\$ 27,578.50
--	--------------	--------------

V. *Library Fund.*

On hand, July 1, 1906	\$	1,114.15
State warrants—1906-1908		7,500.00
From fines, lost books		220.50
Expended for books, periodicals, binding	\$	6,380.97
Balance on hand, June 30, 1908	2,453.76	

	\$ 8,834.73	\$ 8,834.73
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VI. *Librarian Salary Fund.*

On hand July 1, 1906	\$	260.93	
State warrants—1906-1908		6,000.00	
From student fees		700.00	
Salaries of librarians, 1906-1908	\$	6,014.00	
Balance on hand, June 30, 1908		946.93	
	\$	6,960.93	\$ 6,960.93

VII. *Commencement Contingent Fund.*

On hand, July 1, 1906	\$	121.57	
From diploma fees, 1906-1908		824.00	
Class plays—1906-1907		421.47	
Commencement expenses—1907-1908	\$	1,052.03	
Balance on hand, June 30, 1908		315.91	
	\$	1,367.94	\$ 1,367.94

VIII. *Special Funds of All Kinds.*1. Paving, walks and improvement fund of the
Thirty-first General Assembly.

On hand, July 1, 1906	\$	498.99	
State warrants—1906		750.00	
From student fees		651.00	
Expended—1906-1908	\$	1,899.99	
Account balanced, June 30, 1908			
	\$	1,899.99	\$ 1,899.99

2. Paving, walks and improvement fund of the
Thirty-second General Assembly.

No balance, July 1, 1906			
State warrants—1906-1908		\$ 5,000.00	
Expended—1906-1908	\$	3,962.79	
Balance on hand, June 30, 1908		1,037.21	
	\$	5,000.00	\$ 5,000.00

IX. *Statement of Student Fees, Collected During
the Period of 1906-1908, With Disposal Made
of the Same.*

Balance on hand July 1, 1906	\$	13,270.03	
Fees received—1906-1908		43,018.06	
Paid to Teachers' Fund	\$	9,772.59	
Paid to Contingent Fund		13,000.00	
Paid to Summer Term Fund		11,361.85	
Paid to Librarian Salary Fund		700.00	
Paid to Paving, Walks and Improvement Fund		651.00	
Paid for Lecture Course and Expenses, summers 1906-1907		1,009.80	
Balance on hand, June 30, 1908		22,792.85	
	\$	59,288.09	\$ 59,288.09

Statistical Information Required.

	1906-1907	1907-1908
Number of Students in Teachers' Course	2,571	2,478
Number of Pupils in Training Schools	257	267
	<hr/> 2,828	<hr/> 2,745

FACULTY OF INSTRUCTION.

Regular School Year.	1906-1907	1907-1908
Number of Professors	36	37
Number of Assistant Professors	7	7
Number of Instructors	20	18
Number of Assistants	14	14
Professor—Part Time		1
Assistant Professor—Part Time		1
Instructor—Part Time		1
Assistants—Part Time	6	13
	<hr/> 83	<hr/> 92

FACULTY OF INSTRUCTION—SUMMER TERM.

	1906	1907	1908
Professors	33	30	27
Assistant Professors	4	4	4
Instructors	15	14	21
Assistants	8	5	3
	<hr/> 60	<hr/> 53	<hr/> 55

Students Enrolled Summer Terms, already reported among Students Annually Enrolled.

	1906	1907	1908
Teacher Students	1,266	1,189	1,311

AN ESTIMATE OF THE INCOME AND THE EXPENSES OF THE IOWA STATE NORMAL SCHOOL.

BIENNIAL PERIOD JULY 1, 1909 TO JUNE 30, 1911.

Financial Statement Condensed—showing present support, necessary expenditures, present demands and actual needs of the Biennial Period July 1, 1909, to June 30, 1911.

I. <i>Teacher's Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Permanent Fund now granted annually		\$ 77,500.00
2. Additional Appropriation requested annually		15,000.00
3. Salaries of Teachers—1908-1909	\$ 91,000.00	
4. Necessary readjustment of salaries of next biennial period	6,650.00	
5. Necessary New Teachers—		
(1) Supervisor of Advanced Training School	\$ 1,500.00	

(2) Professor of Commercial Teacher Work	1,500.00	
(3) Instructor—Shorthand and Type-writing	1,500.00	
(4) Instructor—Penmanship and Book-keeping	1,000.00	
(5) Instructor in Domestic Science	1,000.00	6,000.00
6. Shortage to be supplied from Student Fees..		\$ 11,150.00
	<u>\$103,650.00</u>	<u>\$103,650.00</u>
II. Contingent Fund.		
	<i>Expense.</i>	<i>Income.</i>
1. Permanent Fund now granted annually....		\$ 34,000.00
2. Additional Appropriation requested annually		10,000.00
3. Estimated receipts for contracts with school districts and from sales of material.....		5,000.00
4. Salaries of employees—1908-09	\$ 20,292.00	
5. Necessary increase to salaries of present employees	600.00	
6. Fuel estimated	10,000.00	
7. Department supplies estimated	7,000.00	
8. Office expenses—postage, printing, telegraph, telephone—estimated	1,400.00	
9. Quarterly Bulletin—estimated	3,500.00	
10. Water—estimated	1,000.00	
11. Superintendent's department — express, freight, special labor, many small unclassified items	6,000.00	
12. Electric light	1,000.00	
13. Shortage to be supplied from students' fees..		1,792.00
	<u>\$ 50,792.00</u>	<u>\$ 50,792.00</u>

NOTE.—The increase of the service of the school necessitates more janitor work, more firemen, more repair force, more fuel, more light, and more water. The estimates that have been given during the past years have proven to be less than the actual demand made necessary. This estimate is prepared with the same plan of economy and good service that has been maintained in previous biennial periods. Employees cost a little more per man because of the advance in cost of expert labor than was necessary five years ago. The service of the institution demands the judgment and capability of experts and such are now the employees that are here engaged. Anything less would be wasteful and unduly expensive through incapability and unnecessary destruction of equipment and machinery.

III. Summer Term Fund.		
	<i>Expense.</i>	<i>Income.</i>
1. Permanent fund now granted annually		\$ 8,000.00
2. Salaries of teachers—paid—fifty-five teachers summer of 1908	\$ 13,375.00	
3. Lectures and other expenses estimated for year	500.00	

4. Additional teachers for the period—estimated	900.00	
5. Shortage to be supplied from students' fees..		6,775.00
	<hr/>	<hr/>
	\$ 14,775.00	\$ 14,775.00

NOTE.—The Summer Term is one of the more important sessions of the school year, as a large number of students who are teachers having contracts for the rest of the year are in attendance. The session of 1908 enrolled 1,311 students, most of whom remained throughout the entire six weeks of the session.

IV. <i>Library Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Annual appropriation requested		\$ 5,000.00
2. Annual necessary expenditure for books, periodicals and binding to maintain the library	\$ 5,000.00	
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

NOTE.—This is not an appropriation that will make much growth to the library as the use of the equipment by so many students compels much repurchase and repair in order to keep the service in good condition. This fund is just what has been given for several years and should be larger as the needs of the work are constantly growing as efficiency is increased. This appropriation not only supplies the general library but also the special department libraries of geography, physics, chemistry, history, political science and natural science, all of which are worthy of much improvement.

V. <i>Librarian Salary Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Annual appropriation requested		\$ 5,000.00
2. Salaries of librarians and assistants— 1908-1909	\$ 4,172.50	
3. Additional assistance needed	827.50	
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

NOTE.—This force of workers consists of a librarian at \$1,200.00; a cataloger at \$80.00 a month; of three assistants at salaries from \$80.00 to \$60.00 a month. These assistants are trained, educated women and are qualified to assist the students in their library work. This force is the minimum number that can make the service at all commensurate with the working demands.

VI. <i>Paving and Permanent Walks Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Appropriation requested		\$ 5,000.00
2. Amount needed to do the work as planned on the most moderate basis of good material and good work	\$ 5,000.00	
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

NOTE.—For the protection of the present property, including floors and interiors, as well as for maintaining a good sanitary condition as to cleanliness, it is necessary to pave the drives and put in permanent walks as rapidly as the buildings are completed. The amount here asked is necessary for the biennial period in order to complete the improvements. This work includes (1) 1,670 lineal feet of driveway 24 feet wide, estimated cost \$2,948.00; (2) 3,030 lineal feet curbing, estimated cost \$545.50; (3) 1,500 lineal feet sidewalk four feet wide, estimated cost \$600.00, and one block street paving, estimated cost \$900.

VII. <i>Pipe Organ Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Appropriation requested to pay part purchase cost of pipe organ for Auditorium		\$ 5,000.00
2. Necessary expenditure to obtain such an organ as the school's work demands	\$ 10,000.00	
3. Shortage to be made up by money obtained from lecture course and other activities conducted by the faculty and students....		\$ 5,000.00
	<hr/>	<hr/>
	\$ 10,000.00	\$ 10,000.00

NOTE.—The musical demands of the school for the annual May Festival and for concerts and recitals, as well as for daily chapel exercises, are such that this addition to the equipment ought to be cheerfully granted. It has been customary for some years to have the students render each spring one of the great oratorios.

VIII. <i>Nurse and Hospital Support Fund.</i>	<i>Expense.</i>	<i>Income.</i>
1. Appropriation requested for biennial period..		\$ 4,000.00
2. Expense of maintenance of such department, estimated	\$ 7,000.00	
3. Shortage to be made from fees		3,000.00
	<hr/>	<hr/>
	\$ 7,000.00	\$ 7,000.00

NOTE.—This proposition means that there are no city hospital privileges in Cedar Falls and that it is important to the people of the State that students who become seriously ill should be given such care and attention. It is, therefore, imperative that immediate steps be taken to give this opportunity for protection and assistance to those who are unfortunately ill and away from the care of home and friends. The following statement of actual cases from September 1 to December 23 will indicate in a concrete way the conditions that exist:

September 5—Miss H.—Typhoid fever.
 September 5—Miss L.—Appendicitis.
 September 7—Miss B.—Appendicitis.
 September 14—Miss B.—Very badly sprained ankle.
 September 16—Miss S.—Fever—three weeks.
 September 17—Miss L.—Acute bronchitis.
 September 17—Miss S.—Typhoid fever—eleven weeks.
 September 20—Miss B.—Stomach inflammation—four weeks.

September 22—Miss H.—Ptomaine poison—there were other cases but more mild.

September 30—Miss S.—Appendicitis.

October 8—Miss F.—Accidental fall—hip injured—disabled and treated several weeks.

October 9—Miss S.—Appendicitis.

October 21—Miss K.—Jaundice.

October 28—Miss S.—Appendicitis.

October 28—Miss G.—Quinsy.

October 28—Miss H.—Appendicitis.

November 5—Miss C.—Nervous prostration.

November 5—Miss C.—Heart and nerves.

December 10—Miss J.—Meningitis.

Agricultural Education.—The management of the Normal School recognizes that there is a growing demand for instruction of public school teachers in the elements of the science of agriculture and allied subjects. The preparation of teachers for this demand is an important problem. To inaugurate this new kind of work requires sufficient land for the experimental and laboratory work and support for the number of teachers that will need to be added. The preparation of teachers ought to precede the beginning of such work by at least three years. This fact is recognized by the Davis bill now pending in Congress.

Permission is asked of the General Assembly to begin this kind of work with the students in training for public school teaching.

Teachers furnished to State.—Of the teacher supply of the State, the Normal School furnished the school year 1907-08 of those in attendance—two hundred and fifty seniors of some course, more than 800 undergraduates and more than 1,300 summer term students. The demand for teachers in the schools paying very meager salaries is so large that it is impossible to furnish persons at the salaries paid. There would not be a student left in the school if those enrolled were willing to accept the positions at the salaries offered. The remedy is better salaries and then better standard of qualifications can be exacted.

Final Word.—It will be a special privilege for the Board of Trustees or the President to give any additional information regarding the Normal School or its management to any member of the General Assembly. It is true that the Normal School is a leading college for teachers and that it has no superior in the United States as investigation will easily establish. Its courses of instruction, its laboratories, its teaching corps, its special facilities for training and culture are very notable indeed. This is true because of the generosity of the people and the wisdom of the General Assembly who combined have permitted these things to be accomplished. To keep this proud place and be better able to serve the people and the schools of the State in the future is the ambition and the hope of the management.

Thanking the members of the General Assembly for liberal consideration and for evident confidence in the past, continued favor and co-operation is requested for the future. Respectfully submitted,

HOMER H. SEERLEY,
President.

By authority of Board of Trustees—

John F. Riggs, President, Des Moines.

B. F. Osborn, Rippey.

E. H. Griffin, Iowa City.

I. J. McDuffie, LeMars.

Roger Leavitt, Cedar Falls.

G. W. Clarke, Adel.

J. B. Harsh, Creston.

Alfred Grundy, Secretary, Cedar Falls.

Cedar Falls, Iowa, December 31, 1908.

Senator Frudden asked unanimous consent to take up for consideration at this time the resolution relative to the employment and number of committee clerks.

The resolution was read for information.

Senator Frudden offered the following amendment and moved its adoption:

Amend by inserting after the word Senator the words "not given a chairmanship."

Adopted.

Senator Frudden moved the adoption of the resolution as amended.

On the question shall the resolution be adopted a roll call was demanded.

Those favoring the adoption of the resolution were:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clarkson, De Armand, Foley, Frudden, McManus, Moon, Nichols, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—26.

The nays were:

Adams, Allen of Pocahontas, Balkema, Brown, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Peterson, Seeley, Smith of Mitchell, Van Law—20.

Absent or not voting:

Clark, De Wolf, McCulloch, Sammis—4.

So the resolution was adopted.

The following committee clerks appeared at the bar of the Senate and were duly sworn:

Belle I. Riddle—Judiciary.

Mary Anzella Reed—Railroads.

Elsie Redunan—Appropriations.

Lily B. Jessup—Telegraph and Telephone.

Helena Lynch—Senatorial and Representative Districts.

J. R. Price—Fish and Game.

Geo. B. McKibbin—Compensation of Public Officers.

Louisa R. Tilson—Insurance.

Ollie T. Miller—Charitable Institutions.

Grace Brigham—Agriculture.

Elnora M. Hartshorn—Banks.

Katharine Baker—Rules.

Bessie Fifer—Mines and Mining.

Nelle Anderson—Senator Parshall.

Duane D. Samson—Ways and Means.

Anna Bailon—Senator Jamieson.

G. H. Alen—Federal Relations.

Senator Bennett moved that the Senate do now adjourn.

Carried.

Senate adjourned until 10 o'clock A. M., Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 19, 1909.

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

Prayer was offered by S. W. Neal.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren presented petition of the board of supervisors of Jefferson County, Iowa, asking a revision of the quarantine law as found in section 2570-a of the 1907 Supplement to the Code of Iowa.

Referred to Committee on Public Health.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 2, a bill for an act to limit the number of committee clerks to be employed by the General Assembly and fixing the qualifications of such clerks.

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

By Senator Dowell, Senate File No. 3, a bill for an act to repeal the law as it appears in section 1457 of the Supplement to the Code and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.

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

By Senator Peterson, Senate File No. 4, a bill for an act to amend the law as it appears in section 2071 of the 1907 Supplement to the Code relating to the liability of corporations operating a railway for negligence or wrongs of employees.

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

By Senator Seeley, Senate File No. 5, a bill for an act to grant officers and other employes of the Charitable Institutions at Mt. Pleasant, Independence, Clarinda, Cherokee, Glenwood, Eldora, Mitchellville, Vinton, Council Bluffs, Davenport, Knoxville and Marshalltown an annual vacation with pay.

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

By Senator Cosson, Senate File No. 6, a bill for an act to repeal sections 301, 302, 305, 306, and 307, of the Code, Relating to the duties and limitations of the County Attorney and to enact substitutes therefor.

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

By Senator Cosson, Senate File No. 7, a bill for an act to repeal sections 499 and 502 of the Code, relating to the duties and powers of the Sheriff and his deputy, and to enact a substitute therefor.

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

By Senator Cosson, Senate File No. 8, a bill for an act authorizing the Governor to remove officers for misfeasance, malfeasance or nonfeasance in office.

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

By Senator Whipple, Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state on January 1, 1908, from the requirements of the law which appears as sections 2510-b, 2510-c, 2510-d, and 2510-h of the Supplement to the Code, 1907.

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

By Senator McManus, Senate File No. 10, a bill for an act to amend the statutes of the state of Iowa in relation to the election of the Supreme Court of the State of Iowa and to increase their number.

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

By Senator Allen of Van Buren, Senate File No. 11, a bill for an act to amend section four hundred and thirty-three (433) of the Supplement of 1907 to the Code, relating to the burial of indigent soldiers and sailors.

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

By Senator Allen of Van Buren, Senate File No. 12, a bill for an act to amend section three hundred-thirty-three (333) of the Code relating to persons exempt from liability to act as jurors.

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

By Senator Allen of Van Buren, Senate File No. 13, a bill for an act to amend section twenty-five hundred and fifty-one (2551) of the Supplement of 1907 to the Code, relating to the protection of birds and game.

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

By Senator Van Law, Senate File No. 14, a bill for an act to amend the law as it appears in section 725 of the 1907 Supplement to the Code of Iowa, relative to the regulation and rates of service, and providing for the investigation of water, gas, heat, light or power works or plants, and the operation thereof and providing for the examination of all books, papers and records kept in connection with the operation of such works or plants for the purpose of regulating and fixing rates and rents for water, gas, heat, light or power and in regulating and fixing charges for meters and other devices used in connection with such works or plants.

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

Senator Bennett offered the following Concurrent Resolution which was laid over under the rules.

Be it Resolved by the Senate, the House Concurring, That the President of the Senate and the Speaker of the House appoint committees of five members, two on the part of the Senate, three on the part of the House to visit the several State Institutions for the purpose of securing all possible information to assist the General Assembly in its work and that the several visiting committees shall submit a written report of their findings not later than February 9th, 1909. For the purpose of carrying this resolution into effect, be it further

Resolved, That when adjournment is taken Wednesday, January 20th, it shall be to re-convene Monday, January 25th, 1909.

Senator Hoyt offered the following resolution and moved its adoption:

Resolved, That a committee of three be named to prepare suitable memorial resolutions relative to the life, character and public services of the late W. G. Donnan of Buchanan county, a former member of this body.

Adopted.

The President announced the following communications which were read:

TO THE THIRTY-THIRD GENERAL ASSEMBLY—I, W. C. Hayward, Secretary of State of the State of Iowa, in compliance with the provisions of subdivision "G" of section one (1) of chapter one (1) of the acts of the extra session of the Thirty-second General Assembly, do hereby certify that at the primary election held on November 3rd, 1908, for the expression of choice of Republican candidates for Senator in the Congress of the United States, there were cast, as shown by certificate on file in my office, executed by the executive council of the State of Iowa as a board of state canvassers, 235,046 votes, of which number

Albert B. Cummins received..... 138,840 votes.

John F. Lacey received 96,193 votes.

Scattering 13 votes.

Wherefore it is declared that Albert B. Cummins was duly nominated as the candidate of the Republican party of Iowa for the office of Senator in the Congress of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State of the State of Iowa. Done at Des Moines, the capital of the state, this eleventh day of January, A. D. 1909.

(SEAL)

W. C. HAYWARD,
Secretary of State.

TO THE THIRTY-THIRD GENERAL ASSEMBLY OF IOWA—I, W. C. Hayward, Secretary of State of the State of Iowa, do hereby certify that CLAUDE R. PORTER, of Appanoose County, was nominated as the Democratic candidate for the office of Senator in the Congress of the United States at the primary election held on the second day of June, A. D. 1908.

I further certify that MALCOLM SMITH, of Linn County, was nominated as the Prohibition candidate for the office of Senator in the Congress of the United States at the primary election held on the second day of June, A. D. 1908, and

I further certify that JOHN M. WORK, of Polk County, was nominated as the Socialist candidate for the office of Senator in the Congress of the United States at the primary election held on the second day of June, A. D. 1908.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State of the State of Iowa. Done at Des Moines, the capital of the state, this 19th day of January, A. D. 1908.

(SEAL)

W. C. HAYWARD,
Secretary of State.

Senator Dowell moved that the hour of 11 o'clock today be fixed as the time when the Senate shall vote on Senator in the Congress of the United States.

Carried.

The President announced the following communication which was read:

CLERMONT, IOWA, JAN. 18.

Hon. G. W. Clarke, Des Moines, Iowa:

My Dear Sir:—Your esteemed favor of the 15th extending to me, on behalf of the Legislature, an invitation to be present on the occasion of the election of Hon. A. B. Cummins to the office of Senator in the Congress of the United States on Wednesday, the 20th of January, 1909, is at hand and noted.

I regret exceedingly that it will not be convenient for me to be with you on that occasion.

I wish you would thank the members of the Thirty-third General Assembly, one and all, for me and express to them my high appreciation of the honor which they have conferred upon me by this invitation and my sincere regrets at not being able to be with them in compliance with it.

I must congratulate our people of the state upon the election of Governor Cummins to represent their interests in the Senate of the United States. His sympathies are in entire harmony with their interests upon the most prominent questions before them and he has the ability and disposition to contribute to a proper solution of them.

My mind and thoughts will be with the Thirty-third General Assembly on my seventy-seventh birthday and I wish you, Gov. Clarke and every member, good health and long and prosperous life.

Yours sincerely,

WM. LARRABEE.

Senator Gilliland moved that the communication from Ex-Governor Wm. Larrabee be ordered printed in the Journal.

Carried.

Senator Mattes moved that a committee of five be appointed by the President to consider and determine the contest of A. F. N. Hambleton vs John F. Ream to a seat in this body and that said committee by its chairman be fully authorized and empowered to issue subpoenas and such orders that may be deemed necessary to secure the attendance before it of all witnesses, together with any

and all documentary or written evidence including all of the original ballots cast at the election November 3, 1908, and with full authority and power to enforce obedience to such subpoenas and orders.

Carried.

The President appointed as such committee: Senators Mattes, Peterson, Van Law, DeWolf and Frudden, and announced that an envelope bearing the endorsement "Statement and Specifications in the matter of the contest of A. F. N. Hambleton, contestant, against John F. Ream, incumbent, for the office of State Senator for the Fourteenth Senatorial District of the State of Iowa for the term commencing January 11, 1909, being the Thirty-third and Thirty-fourth General Assemblies of said State," had been referred to such committee.

Senator Clark of the Committee appointed on Mileage submitted the following report and moved its adoption:

MR. PRESIDENT—Your Committee on Mileage beg leave to report that they find members of the Senate of the Thirty-third General Assembly entitled to mileage as follows:

Name.	Miles	Amt.
Lieutenant Governor Clarke.....	44	\$ 2.20
Senator Adams	306	15.30
Senator Allen (Pocahontas)	206	10.30
Senator Allen (Van Buren)	240	12.00
Senator Balkema	480	24.00
Senator Bennett	218	11.10
Senator Brown	174	8.70
Senator Bruce	164	8.20
Senator Burgess	402	20.10
Senator Chapman	370	18.50
Senator Clark	110	5.50
Senator Clarkson	130	6.50
Senator Cosson	207	10.35
Senator De Armand	350	17.50
Senator De Wolf	210	10.50
Senator Dowell
Senator Fitzpatrick	70	3.50
Senator Foley	326	16.30
Senator Francis	600	30.00
Senator Frudden	430	21.50
Senator Gates	290	19.70
Senator Gilliland	326	16.30
Senator Hammill	286	14.30
Senator Hoyt	300	15.00

Senator Hunter	460	23.00
Senator Jamieson	380	19.00
Senator Larrabee	172	8.60
Senator McCulloch	174	8.70
Senator McManus	326	16.30
Senator Mattes	290	14.50
Senator Maytag	70	3.50
Senator Moon	180	9.00
Senator Nichols	284	14.20
Senator Parshall	432	21.60
Senator Peterson	208	10.40
Senator Proudfoot	40	2.00
Senator Quigley	540	27.00
Senator Ream	128	6.40
Senator Sammis	360	18.00
Senator Saunders	284	14.20
Senator Savage	120	6.00
Senator Seeley	280	14.00
Senator Smith (Des Moines)	336	16.80
Senator Smith (Mitchell)	330	16.50
Senator Stuckslager	310	15.50
Senator Taylor	254	12.70
Senator Van Law	150	7.50
Senator Whipple	340	17.00
Senator White	196	9.80
Senator Whiting	400	20.00
Senator Wilson	470	23.50

EL. W. CLARK,
FRED N. SMITH,
H. L. ADAMS.

Those favoring the adoption of the report were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—47.

The nays were:

None.

Absent or not voting:

Jamieson, Maytag, Wilson—3.

So the report was adopted.

Senator Peterson was called to the Chair at 10:40 o'clock.

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

Carried.

Senator Stuckslager nominated Senator James A. Smith as President pro tem of the Senate and moved his election.

Those voting for Senator James A. Smith were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, DeWolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—47.

The nays were:

None.

Absent or not voting:

Jamieson, Smith of Mitchell, Wilson—3.

So Senator James A. Smith was declared duly elected President pro tem of the Senate.

Senator Stuckslager moved that a committee of two be appointed to escort the President pro tem to the bar of the Senate to receive the oath of office,

Carried.

The Chair appointed as such committee: Senators Stuckslager and Moon.

The Committee escorted President pro tem elect James A. Smith to the bar of the Senate, and he was duly sworn.

The President resumed the Chair at 10:55 o'clock.

Senator Larrabee moved that a committee of five be appointed to prepare suitable resolutions commemorative of the life, character and public services of E-Senator Thomas D. Healy, whose death occurred at Fort Dodge Friday, January 15, 1909.

Carried.

Senator Van Law moved that the roll be called and that each Senator announce the name of his committee clerk and that the committee clerks appear before the bar of the Senate and be sworn.

Carried.

The roll was then called and the following committee clerks appeared before the bar of the Senate and were duly sworn :

Freda McCausland—Engrossed Bills.
Emma Malm—Cities and Towns.
Edith D. Kooker—Public Buildings.
A. E. Johnson—Senator De Wolf.
John J. Huff—Highways.
Kate Foley—Senator Foley.
Stella Snider—Enrolled Bills.
Genevieve Kelly—Senator DeArmand.
Jesse S. Peters—Public Libraries.
Dessa Fisher—Pharmacy.
Bessie Pickler—Senator Moon.
Nelle M. Stickney—Commerce and Retail Trade.
James G. Maynard—Schools.
M. G. Juel—Penitentiaries and Pardons.
Zephyr B. Gilpin—Suppression of Intemperance.
Mrs. L. Cruise Brown—Claims.
Bessie Byers—Elections.
Luella Mendenhall—Congressional and Judicial Districts.
Mildred Johnson—Corporations.
B. H. Weaver—Military.
Genevieve Powers—Senator White.
Edith Smith—Labor.
F. R. Price—Lieutenant Governor and Fish and Game.

Senator Allen of Van Buren, who was appointed as Chairman of Committee on Penitentiaries and Pardons, asked unanimous consent to exchange committee chairmanship with Senator Hammill, he to be Chairman of Committee on Federal Relations and Senator Hammill to be Chairman of Committee on Penitentiaries and Pardons.

Consent granted.

The hour having arrived the President announced that the Senate would proceed to vote for Senator in the Congress of the United States for the term beginning March 4, 1909.

Those voting for Albert B. Cummins were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson,

Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple—34.

Those voting for Claude R. Porter were:

Senators Clarkson, De Armand, De Wolf, Foley, Frudden, McManus, Moon, Parshall, Quigley, Ream, Smith of Des Moines, Taylor, White, Whiting—14.

Those voting for Malcolm Smith were:

Senators—None.

Those voting for John M. Work were:

Senators—None.

Absent or not voting:

Senators Jamieson and Wilson.

President Clarke then declared Albert B. Cumins, having received a majority of all the votes cast, and also a majority of the entire membership of this body, is elected on the part of the Senate, Senator in the Congress of the United States for the term beginning March 4, 1909.

Senator Maytag from the joint committee on Additional Help offered the following report:

To the President of the Senate and Speaker of the House:

Your Committee to whom was referred the employment of additional help for the Thirty-third General Assembly beg leave to report that they have had the subject under consideration and the Committee have instructed us to introduce a joint resolution covering their recommendations, which is herewith submitted with the recommendation that the same do pass.

Respectfully submitted,

F. L. MAYTAG,
CHARLES GATES,
WM. S. ALLEN,
GEO. A. KELLOGG,
L. W. BOE.

Adopted.

INTRODUCTION OF BILLS.

By Senator Maytag from the joint committee on Additional Help.

SENATE JOINT RESOLUTION NO. 1.

Joint Resolution Relating to the Selection of Additional Employees of the Thirty-third General Assembly, Fixing Their Compensation and Defining Their Duties.

Be It Resolved by the General Assembly of the State of Iowa:

SECTION 1. The custodian is hereby authorized and directed to appoint nine persons to be designated as assistants to the custodian, whose duties shall be by him determined, and whose salaries shall be Sixty Dollars per month each.

SEC. 2. The Secretary of State is hereby authorized and directed to appoint two clerks for service in the document room at a salary of Sixty Dollars per month each.

SEC. 3. The Secretary of the Executive Council is hereby authorized and directed to appoint a clerk for service in the supply department at a salary of Sixty Dollars per month.

SEC. 4. The Custodian is hereby authorized and directed to appoint three experienced elevator tenders at a salary of Sixty Dollars per month each.

SEC. 5. W. J. Jones of Monroe County is hereby appointed Mail Carrier.

SEC. 6. The Secretary of the Senate and Chief Clerk of the House are hereby directed to prepare a pay roll for all employes appointed under this resolution, the same to be countersigned by the President of the Senate and the Speaker of the House and presented to the Auditor of State.

SEC. 7. The Secretary of State is hereby authorized to retain as many clerks, hereby appointed to serve in the Document room, as he may deem necessary, for a period of time not exceeding two weeks after the adjournment of the Thirty-third General Assembly.

Read first and second time and passed on file.

Senator De Armand moved that a committee of three be appointed to draft suitable resolutions commemorative of the life, character and services to the state of the late Hon. W. A. Foster, a former member of this body.

Carried.

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

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

Joint Resolution No. 1, relating to the selection of additional employes of the Thirty-third General Assembly, fixing their compensation and defining their duties.

C. R. BENEDICT,
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:

House Concurrent Resolution relative to a joint session in the House on January 20th, 1909.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

Joint resolution No. 1. Joint resolution relating to the selection of additional employes of the Thirty-third General Assembly, fixing their compensation and defining their duties.

Read first and second time.

Senator Maytag moved that the rule by which no bill shall be read a second and third time on the same day be suspended and that the joint resolution be read a third time now and placed upon its passage.

Carried.

Senator Maytag moved that the rule be suspended, and the joint resolution read a third time now, which motion prevailed, and the joint resolution was read a third time.

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

The ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—39.

Absent or not voting:

Cosson, De Armand, Gilliland, Hammill, Jamieson, McManus, Parshall, Sammis, Smith of Des Moines, White, Wilson—11.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

House Concurrent Resolution relative to joint convention to be held in the House on Wednesday, Jan. 20th, 1909, at 12 o'clock.

Senator Smith of Mitchell moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senator Francis moved that the Senate do now adjourn.

Carried.

Senate adjourned until 10:00 o'clock A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 20, 1909.

Senate met in regular session at 10:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Daniel A. MacLeod of Odebolt.

PETITIONS AND MEMORIALS.

Senator Proudfoot presented petition of citizens of Warren County asking for an amendment to the Constitution of the State prohibiting the sale of intoxicating liquors, for beverage purposes in the state of Iowa.

Referred to committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 15; a bill for an act to repeal section (2727-a), Supplement to the Code, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa.

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

By Senator Hammill, Senate File No. 16, a bill for an act to amend the law as it appears in section (2310-a-24) of the Supplement to the Code, 1907, relating to furnishing intoxicating liquors or narcotic drugs to paroled inebriates.

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

By Senator Proudfoot, Senate File No. 17, a bill for an act to amend section (3311) of the Code, relating to the valuation of personal property.

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

By Senator Stuckslager, Senate File No. 18, a bill for an act to amend section (3053) of the Code of 1897, relating to legal holidays.

Read first and second time and passed on file.

By unanimous consent, Senate File No. 18, was made a Special Order for Friday at 11 o'clock, A. M.

Senator Sammis (by request), Senate File No. 19, a bill for an act to repeal section (1571) of the Code, and to enact a substitute in lieu thereof, relating to traction engines on public roads.

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

By Senator De Armand, Senate File No. 20, a bill for an act to define an "absentee" and to provide for the care and management of the estate of such absentee and for the distribution of his or her estate by an administrator or executor.

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

By Senator De Armand, Senate File No. 21, a bill for an act requiring that all bonds required to be given in any judicial proceeding shall contain a contract for the payment of attorney's fees and providing for their collection.

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

By Senator Peterson, Senate File No. 22, a bill for an act to amend the law as it appears in section (740) of the 1907 Supple-

ment to the Code, relating to aiding by taxation the maintenance of any institution of learning or benevolence including hospitals acquired by any county, city, town or school corporation by gift or devise.

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

By Senator Allen of Pocahontas, Senate File No. 23, a bill for an act to amend section (2116) of the Code, relating to the duties of railroads as to furnishing transportation.

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

By Senator Hammill, Senate File No. 24, a bill for an act to amend section (441) of the 1907 Supplement to the Code, relative to official newspapers.

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

By Senator Moon, Senate File No. 25, a bill for an act to repeal chapter (240) of the Acts of the Thirty-second General Assembly, relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa.

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

By Senator De Armand, Senate File No. 26, a bill for an act to repeal section (481) of the Code, relating to compensation of Deputy Auditors and enacting a substitute therefor.

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

By Senator De Armand, Senate File No. 27, a bill for an act to repeal section (496) of the Code, relating to the compensation of Deputy Recorders and enacting a substitute therefor.

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

By Senator Quigley, Senate File No. 28, a bill for an act to provide for the payment of bounty for the destruction of rattlesnakes.

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

By Senator De Armand, Senate File No. 29, a bill for an act to repeal section (491) of the Code relating to compensation of Deputy Treasurers and enacting a substitute therefor.

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

By Senator Gilliland, Senate File No. 30, a bill for an act to repeal section (1571) of the 1907 Supplement to the Code, relating to steam engines on roads and to enact a substitute therefor.

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

By Senator Fitchpatrick, Senate File No. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State.

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

By Senator De Armand, Senate File No. 32, a bill for an act to repeal section (510) of the Code, relating to compensation of Deputy Sheriffs and enacting a substitute therefor.

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

Senator Mattes from the Committee on the Assignment of Committee Rooms, submitted the following report, and moved its adoption:

MR. PRESIDENT:—Your Committee on the Assignment of Committee Rooms beg leave to report that they have had the same under consider-

ation and have instructed me to report and recommend the following assignments:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Room 16—						
Charitable Institutions	9 a. m.		9 a. m.			
Commerce and Retail Trade		3 p. m.		3 p. m.		
Manufacture			3 p. m.			
Horticulture and Forestry					3 p. m.	
Room 17—						
Sen. and Rep. Districts		2 p. m.		2 p. m.		
Mines and Mining	2 p. m.		2 p. m.		2 p. m.	
Public Health		3 p. m.		3 p. m.		
Pharmacy		4 p. m.			4 p. m.	
Room 18—						
Suppression of Intemperance	9 a. m.		9 a. m.		3 p. m.	
Highways		2 p. m.		2 p. m.		2 p. m.
Military		4 p. m.		4 p. m.		
Corporations	2 p. m.		2 p. m.			
Room 19—						
Claims			2 p. m.		2 p. m.	
Constitutional Amendments		3 p. m.		3 p. m.		
Penitentiaries and Pardons			3 p. m.		3 p. m.	
Room 20—						
Cong'l and Judicial Districts		2 p. m.		2 p. m.		
Public Libraries	2 p. m.		9 a. m.			2 p. m.
Federal Relations		9 a. m.			2 p. m.	
Printing	3 p. m.		3 p. m.	3 p. m.		
Room 21—						
Labor		2 p. m.			4 p. m.	
Educational Institutions	2 p. m.			2 p. m.		2 p. m.
Engrossed Bills			9 a. m.			
Compensation of Public Officers	4 p. m.			4 p. m.		
Room 22—						
Judiciary		2 p. m.	2 p. m.	2 p. m.	2 p. m.	
Public Lands	9 a. m.			9 a. m.		
Elections	2 p. m.		4 p. m.			2 p. m.
Room 23—						
Insurance	2 p. m.			2 p. m.		
Schools		2 p. m.	2 p. m.		2 p. m.	
Cities and Towns	3 p. m.		4 p. m.		4 p. m.	
Railroads		3 p. m.		3 p. m.		
Room 24—						
Ways and Means	2 p. m.		3 p. m.		2 p. m.	
Appropriations		2 p. m.		2 p. m.		2 p. m.
Rules	4 p. m.		4 p. m.			
Room 25—						
Secretary and Journal Clerks						
Room 26—						
Enrolled Bills						
Room 28—						
Banks	2 p. m.		3 p. m.		2 p. m.	
Agriculture		2 p. m.		2 p. m.		2 p. m.
Telegraph and Telephone			2 p. m.		3 p. m.	
Fish and Game	4 p. m.	4 p. m.				
Room 29—						
Public Buildings		2 p. m.		2 p. m.		
Democratic Senators						

File Clerk—Corridor South of Senate Chamber.

Your Committee would recommend that the Custodian be authorized and directed to enclose space in corridor assigned to the File Clerk, the said work to be done under the supervision of this Committee.

JOSEPH MATTES,
A. F. FRUDDEN,
L. E. FRANCIS,

Adopted.

Mrs. F. K. Taylor, Committee Clerk for Senator Taylor, appeared before the bar of the Senate and was duly sworn.

Senator Cosson asked unanimous consent to have printed 500 extra copies each of Senate File number six (6), Senate File number seven (7), and Senate File number eight (8).

Consent granted.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of Ex-Senator Thomas D. Healy: Senators Larrabee, Smith of Mitchell, Whipple, Wilson and Whiting.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of W. G. Donnan: Senators Hoyt, Whipple and Foley.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late W. A. Foster: Senators De Armand, Gates and Stucklager.

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

Senators Jamieson and Wilson asked unanimous consent to have the Journal show that had they been present yesterday at the election of United States Senator in Congress, they would have voted for Claude R. Porter.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 33, a bill for an act to amend chapter (4), Title (7), of the Code, relating to the collection of tax upon inheritances.

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

Senator Larrabee who was appointed on the committee on Public Buildings asked unanimous consent to exchange with Senator Nichols, who was appointed on the committee on Military. Senator Larrabee to be on the committee on Military and Senator Nichols to be on the committee on Public Buildings.

Consent granted.

The Senate took a recess subject to the call of the President.

The President called the Senate to order.

A committee from the House announced that the House was ready to receive the Senate in joint convention.

The hour having arrived for joint convention, the President announced that the Senate would proceed to the House under direction of the Sergeant-at-Arms for the purpose of joint convention.

JOINT CONVENTION.

The joint convention was called to order by Lieutenant Governor Clarke President of the joint convention, at 12:00 o'clock, noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Arney, Balkema, Balluff, Bascom, Bauman, Baxter, Beans, Beebe, Beery, Bennett, Blackmore, Boe, Boettger, Bonwell, Boomgaarden, Bowman, Brandes, Brown, Bruce, Burgess, Burt, Byerly, Calkins, Cassady, Chapman, Clark, Clarkson, Cosson, Cooper, Cousins, Crummer, Crozier, Cunningham, Dabney, Dalby, Darrah, Davidson, Dawson, De Armand, Derrough, De Wolf, Dewell, Dewey, DeWitt, Dowell, Drury, Dye, Elliott, Etter, Fitchpatrick, Felt, Fenn, Finlayson, Foley, Fourt, Fox, Frudden, Francis, Fulliam, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jamieson, Jewell, Johnson, Jones, Kellogg, Kendall, Klay, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McCleery, McDonald, McCulloch, McManus, Marston, Mattes, Maytag, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore of Wapello, Moore of Linn, Newell, Nichols, O'Connor, Penn, Perkins, Peterson, Proudfoot, Quigley, Ream, Reaney, Reitz, Ripley, Sammis, Sankey, Saunders, Savage, Schee, Schroeder, Schulte, Seeley, Sheldon, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Stillman, Stoddard, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Thompson, Tilton, Van Law, Ward, Welden, Whipple, White of Iowa, White of Story, Whiting, Wilson of Clinton, Wilson of Tama, Wolfe, Zeller, Mr. Speaker—153.

President Clarke announced the joint convention duly organized, with a quorum of members present.

The Secretary of the Senate then proceeded to read that part of the Journal of the Senate for Tuesday, January 19, 1909, pertaining to the vote for United States Senator in Congress.

The Chief Clerk of the House then proceeded to read that part of the Journal of the House for Tuesday, January 19, 1909, pertaining to the vote for United States Senator in Congress.

From the reading of the Journals, it appeared that on Tuesday, January 19, 1909, the Senate and House of Representatives balloted separately for United States Senator in Congress, with the following result:

In the Senate: Albert Baird Cummins received 34; Claude R. Porter received 14.

Absent or not voting:

Senators Jamieson and Wilson—2.

In the House: Albert Baird Cummins received 78; Claude R. Porter received 26.

Absent or not voting: Four.

Senator Saunders of Pottawattamie, moved that the joint convention now proceed to the election of a United States Senator in Congress for the term commencing March 4, 1909.

Motion prevailed.

Roll call was ordered.

Those voting for Albert Baird Cummins were:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Arney, Balkema, Bascom, Beans, Beebe, Beery, Bennett, Blackmore, Boe, Bonwell, Boomgaarden, Bowman, Brandes, Brown, Bruce, Burgess, Burt, Cassady, Chapman, Clark, Cosson, Cooper, Cousins, Crummer, Cunningham, Dalby, Darrah, Davidson, Dawson, Derrough, Dewell, Dewey, DeWitt, Dowell, Drury, Dye, Elliott, Fitchpatrick, Felt, Fenn, Finlayson, Fourt, Fox, Francis, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jewell, Johnson, Jones, Kellogg, Klay, Larrabee of Webster, Larrabee of Fayette, Lee, McCleery, McCulloch, Marston, Mattes, Maytag, Meredith, Moore of Wapello, Moore of Linn, Newell, Nichols, Perkins, Peterson, Proudfoot, Reaney, Ripley, Sammis, Saunders, Savage, Schee,

Seeley, Sheldon, Smith of Mitchell, Smith of Wright, Stillman, Stoddard, Stuckslager, Sullivan, Swan, Thompson, Tilton, Van Law, Ward, Welden, Whipple, White of Story, Wilson of Tama, Zeller, Mr. Speaker—113.

Those voting for Claude R. Porter were:

Bauman, Baxter, Boettger, Byerly, Calkins, Clarkson, Crozier, Dabney, De Armand, De Wolf, Ellis, Etter, Foley, Frudden, Fulliam, Huffaker, Jamieson, Kendall, Koontz, Kull, McDonald, McManus, Miller of Bremer, Miller of Dubuque, Moon, O'Connor, Parshall, Penn, Quigley, Ream, Reitz, Sankey, Schoeder, Schulte, Smith of Des Moines, Swift, Taylor, Tegeler, White of Iowa, Whiting, Wilson of Clinton—41.

Absent or not voting:

Balluff, Dodds, Ritter, Wolfe—4.

It thus being shown that Hon. Albert Baird Cummins received a majority of all votes cast in the Senate on Tuesday, January 19, 1909, a majority of all votes cast in the House on Tuesday, January 19, 1909, and a majority of all votes cast in the joint convention on Wednesday, January 20, 1909, President Clarke declared Hon. Albert Baird Cummins duly elected as United States Senator in Congress for the term of six years commencing March 4, 1909.

Senator Dowell of Polk moved a committee of five be appointed to notify Senator Cummins of his election and escort him to this chamber.

Motion prevailed.

President Clarke appointed such committee on part of the Senate: Senators Dowell and Maytag; and Speaker Feeley appointed as such committee on the part of the House: Representatives Lee of Emmet, Larrabee of Fayette and Kull of Howard.

Stillman of Greene, offered the following resolution and moved its adoption:

Resolved, by the Joint Convention of the Thirty-third General Assembly, That Emory H. English be and is hereby elected State Printer for the term beginning January 1, 1911, and that E. D. Chassell be and is hereby elected State Binder for the term beginning January 1, 1911.

Roll call ordered on the resolution.

On the question "Shall the resolution be adopted?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Balkema, Bascom, Bauman, Baxter, Beans, Beebe, Beery, Bennett, Blackmore, Boe, Boettger, Bonwell, Boomgaarden, Bowman, Brandes, Brown, Bruce, Burgess, Burt, Byerly, Calkins, Casady, Chapman, Clark, Clarkson, Cosson, Cooper, Crummer, Crozier, Cunningham, Dabney, Dalby, Darrah, Davidson, Dawson, Derrough, Dewey, De Wolf, Dewell, DeWitt, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick, Felt, Fenn, Finlayson, Fourt, Fox, Frudden, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jamieson, Jewell, Johnson, Jones, Kellogg, Kendall, Klay, Koontz, Larrabee, McDonald, McCulloch, McManus, Marston, Mattes, Meredith, Miller of Bremer, Miller of Dubuque, Moon, Moore of Wapello, Moore of Linn, Newell, Nichols, O'Connor, Parshall, Penn, Perkins, Peterson, Proudfoot, Quigley, Ream, Reaney, Reitz, Ripley, Sammis, Sankey, Saunders, Savage, Schroeder, Schulte, Seeley, Sheldon, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Stillman, Stoddard, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Thompson, Tilton, Van Law, Ward, Welden, Whipple, White of Iowa, White of Story, Whiting, Wilson of Clinton, Wilson of Tama, Zeller, Mr. Speaker—143.

The nays were:

None.

Absent or not voting:

Arney, Balluff, Cousins, De Armand, Dodds, Dowell, Foley, Kull, Larrabee of Fayette, Lee, McCleery, Maytag, Ritter, Schee, Wolfe—15.

So the resolution was declared adopted.

President Clarke announced that Emory H. English having received a majority of all the votes of the joint convention was declared duly elected State Printer, for the term of two years commencing January 1, 1911, and E. D. Chassell, having received a majority of all the votes of the joint convention, was declared duly elected State Binder, for the term of two years commencing January 1, 1911.

The special committee appointed to notify Senator Cummins of his election, appeared and escorted him to the Speaker's station. He was introduced by President Clarke and then addressed the members of the joint convention as follows:

MR. PRESIDENT, MR. SPEAKER, SENATORS AND REPRESENTATIVES OF THE THIRTY-THIRD GENERAL ASSEMBLY:—To the Republican voters of Iowa, who prepared the way for the honor that has been bestowed upon me, and to you, who have made the voice of these voters effective, I am most grateful. There is but one way in which I can prove how highly I value the confidence that has been given to me. It is not by attempting to express the appreciation which fills my heart, but by the faithful performance of the duties of the office to which I have been elected. That, as I thread my path through the intricacies and difficulties of national legislation, I will make many mistakes, may be taken for granted. I make no pledge to be always right, but I do pledge you, and through you the people of Iowa, all my strength of mind and conscience in a constant endeavor to discover what is right, and then courage enough to say what is true as I see the truth and to do what is just as I understand justice.

A commission from the people of any state to represent them in the Senate of the United States is a distinguished honor, but I firmly believe that it is a greater honor to represent this commonwealth than any other state in the Union. There are states with a larger population, with five- or ten-fold the wealth, with more industries and more commerce; but there is no state whose people, as a whole, have continuously so true a conception of government, its scope and its limitations, so lofty a standard of public duty, so intelligent a comprehension of public questions; and who are so quick to rebuke infidelity and so loyal in their support of the faithful public servant, as the state of Iowa. To represent such a people in the most exalted legislative tribunal of the world is the highest distinction in human affairs, and I recognize not only its extraordinary character but its unequalled responsibilities as well.

Whether I can answer the tests which such a people exact; whether I can successfully bear the burdens which such a constituency creates; whether I can keep pace with such a people in the rushing march of progress, the future alone can determine. Of one thing, however, I am certain: I enter the work assigned to me conscious that in these people there rules over me a judge keen of vision, pure of purpose, tolerant of honest difference of opinion, but stern and relentless in its decree against inability to perceive the common welfare or treason to the common good.

I congratulate the Thirty-third General Assembly upon the state whose destinies it controls, and upon the opportunities before it for wise and wholesome legislation. I confess to just a shade of envy when I reflect upon the plain, simple and direct methods which you will employ in reaching your ends and compare them with the rules and usages under which the body of which I am a member acts. I do not desire to disparage Congress, but I cannot suppress the suggestion that it would do the national tribunal a world of good if it could sit here for a few days and see the General Assembly of Iowa at work and observe how easy it is to do things in a speedy, orderly and effective way. There is a certain kind of slowness in legislation which no right-thinking man ought to criticise or of which he ought to complain. There is a certain kind of conservatism which not only should not be condemned, but which is in

the highest degree praiseworthy, for it is essential to all permanent progress. The conservatism which recognizes an existing wrong and carefully deliberates upon the remedy is patriotic; but the conservatism which stands still because it has neither the inclination nor the courage to go forward, which refuses to know the truth because the truth may hurt somebody or some thing, is at the present moment the most powerful enemy of good government.

It is but natural that upon this occasion our minds should turn toward the work that Congress must do, if it is to be done at all. Instinctively, I think, we always feel that the questions of the immediate future are the most important and the most vital which have ever arisen. It is well that we look forward, under the impulse of this sentiment, for it better prepares us for the difficulties that must be encountered.

As I look ahead, it seems to me that Congress is about to meet some of the most perplexing problems which have ever engaged the thought of the people of the United States. We are fast reaching the moment when the flexibility of our Constitution must again be tried. For instance, there is now pending before the Senate a measure establishing what are called postal savings depositories—or, to use the term in which they are commonly described, postal savings banks. The Constitution gives Congress the authority to establish postoffices, and somewhere in this grant of power must be found, if it exists, the authority to create a savings bank system. While I am in profound sympathy with the effort to stimulate a habit of saving among our people, I realize, first, that it will tax the ingenuity of the constitutional lawyer to find a safe footing for adding to the ordinary functions of a postoffice the business of a bank. I realize, also, that it will require great care to prevent the postal savings bank from introducing disorder into our existing commercial and financial adjustment.

Again, the most serious menace in our industrial affairs is the tendency toward the absorption by a single corporation of its competitors in manufacture or in business, with a resulting monopoly. I think we will all agree that the ninety millions of people who compose the American republic must not be required to resort to a single seller for any product, or be limited to a single buyer for any product. Monopoly in any important thing has always been and is now an intolerable condition. In the very nature of things the states cannot furnish the remedy, whatever it may be, which will protect us against the tendency so marked in these modern times. When you turn to Congress for relief, it must find its sole authority to act in that single phrase, "the regulation of commerce between the states." It is clear that in order to prevent the thing which we condemn, we must begin with the organization of the corporation. We must be able to require a proper capitalization. We must be able to limit the operations of the corporation when once created. And as I view the subject, the next few years will demand a constitutional interpretation compared with which the liberality of former years was plain and literal.

One of two things must be true. Either the national authority must be extended by construction beyond anything heretofore recognized, or the Constitution must be amended. The latter course seems almost

impossible, and the former, therefore, is the one upon which we are driving our way.

In what I have said I have been thinking only of the industrial or private corporations engaged in inter-state commerce; but there still remain the transportation companies, in the regulation of which we have just made a beginning. It is a matter of congratulation that the first step has been safely taken. The power of the government to see that transportation rates are reasonable in themselves, and that they do not discriminate against either persons or localities, has been established, and, in a way, this authority has been conferred upon the Inter-state Commerce Commission. We must before long, as I think, take another step. As it is now, a shipper can secure justice only through an individual appeal to the Inter-state Commerce Commission, with all its attendant difficulties and expense. While the authority of the Commission is ample, experience has shown us that if it is exercised only in the way now provided, the relief hoped for will never come. It is high time that the people should think carefully of a further proposition, namely, that rates shall be fixed, either by the general operation of a law, or by the action of the Commission in the establishment of freight tariffs upon its own initiation, giving to the transportation companies the right and imposing upon them the burden of securing a modification upon a clear showing of injustice. It will not be until some such provision is made that we will enjoy the benefits of the struggle which culminated in the enactment of the present inter-state commerce law.

There are many other phases of our commercial and industrial life which might with equal propriety be instanced to indicate the gravity of the work before us, but I forbear. My purpose at this time is not to discuss these things, but to point out that we are entering a period in which the duties that govern both state and nation will be more difficult and more important than ever before. You have commissioned me to bear a part in this work, and I want you to know that I look upon that commission as a call to labor, and to the utmost limit of my strength I will do what I can to reach a fair solution of the problems of legislation, with an eye single to the welfare of my fellow-men.

Senator Allen of Pocahontas, offered the following resolution:

Resolved by the Joint Convention of the Thirty-third General Assembly. That Carl F. Kuehnle be and is hereby elected a member of the Board of Regents of the State University from the Tenth Congressional District for the short term ending May 1, 1909, and for the long term commencing May 1, 1909, to succeed the late Thomas D. Healy, deceased.

Senator Allen of Pocahontas, moved the adoption of the Resolution.

Roll call was ordered.

On the question: "Shall Carl F. Kuehnle be elected as regent from the Tenth district?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Arney, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Blackmore, Boe, Boettger, Bonwell, Boomgaarden, Bowman, Brandes, Brown, Bruce, Burgess, Burt, Byerly, Calkins, Cassady, Chapman, Clark, Clarkson, Cosson, Cooper, Crummer, Crozier, Cunningham, Dalby, Darrah, Davidson, Dawson, De Armand, Derrough, De Wolf, Dewell, Dewey, DeWitt, Dowell, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick,, Felt, Fenn, Finlayson, Foley, Fourt, Fox, Frudden, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jacobs, Jamieson, Jewell, Johnson, Jones, Kendall, Klay, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McCulloch, McDonald, McManus, Marston, Mattes, Maytag, Meredith, Miller of Bremer, Miller of Dubuque, Moore of Wapello, Newell, O'Connor, Parshall, Penn, Perkins, Peterson, Proudfoot, Ream, Reaney, Reitz, Ripley, Sankey, Saunders, Savage, Schee, Schroeder, Schulte, Smith of Des Moines, Smith of Wright, Stillman, Stoddard, Stueckslager, Sullivan, Swan, Swift, Taylor, son of Tama, Zeller—139.

Absent or not voting:

Balluff, Baxter, Beery, Cousins, Dabney, Dodds, Kellogg, McCleery, Moon, Moore of Linn, Nichols, Quigley, Ritter, Sammis, Seeley, Sheldon, Smith of Mitchell, Wolfe, Mr. Speaker—19.

President Clarke declared that Carl F. Kuehnle having received a majority of all votes cast and a majority of all the votes of the joint convention, was duly elected as a member of the State University Board of Regents from the Tenth Congressional District for the short term ending May 1, 1909, and for the term commencing May 1, 1909.

Senator Peterson of Wright, moved that the remarks of Senator Cummins be printed in the Journal as a part of the proceedings of this convention.

Motion prevailed.

The following certificates of election were signed and read in the presence of the joint convention:

DES MOINES, JANUARY 20, A. D. 1909.

This is to certify that at a meeting of the two Houses of the General Assembly of the State of Iowa in joint assembly held on Wednesday, the twentieth day of January, A. D. 1909, at noon, a majority of all the members being present, it was found upon examination of the journals of the Houses that upon the day before, the same being the second Tuesday after the meeting and organization of the General Assembly, each House had by roll call of the members present named Albert Baird Cummins for Senator in Congress for the State of Iowa for the term commencing on the fourth day of March, A. D. 1909; and the same person, to-wit: Albert Baird Cummins, had received a majority of all the votes in each House. Whereupon said joint assembly formally declared said Albert Baird Cummins, of Des Moines, Polk County, Iowa, duly elected Senator to represent the State of Iowa in the Congress of the United States for the term of six years beginning on the fourth day of March, A. D. 1909.

GEO. W. CLARKE,

President of Senate and Joint Assembly.

GUY A. FEELEY,

Speaker of the House.

S. W. NEAL,

Secretary of Senate.

C. R. BENEDICT,

Clerk of House of Representatives and Joint Assembly.

DES MOINES, JANUARY 20, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in join convention, on the twentieth day of January, A. D. 1909, for the purpose of electing a State Printer, Emory H. English, of Mason City, Cerro Gordo County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as State Printer of the State of Iowa 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 Twentieth day of January, A. D. 1909.

GEO. W. CLARKE,

President of the Senate,

GUY A. FEELEY,

Speaker of the House of Representatives.

C. R. BENEDICT,

Chief Clerk of the Joint Convention.

DES MOINES, JANUARY 20, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in join convention, on the twentieth day of January, A. D. 1909, for the purpose of electing a State Binder, Edward D. Chassell, of LeMars, Plymouth County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as State Binder of the State of Iowa 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 Twentieth day of January, A. D. 1909.

GEO. W. CLARKE,
President of the Senate,
GUY A. FEELEY,

Speaker of the House of Representatives.

C. R. BENEDICT,
Chief Clerk of the Joint Convention.

DES MOINES, JANUARY 20, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in join convention, on the twentieth day of January, A. D. 1909, for the purpose of electing the officers of the various State institutions, Carl F. Kuehnle, of Denison, Crawford County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as Regent of the State University, to fill vacancy for the short term ending May 1, 1909, and for the long term commencing May 1, 1909, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this Twentieth day of January, A. D. 1909.

GEO. W. CLARKE,
President of the Senate,
GUY A. FEELEY,

Speaker of the House of Representatives.

C. R. BENEDICT,
Chief Clerk of the Joint Convention.

Minutes of the joint convention were read and approved.

On motion of Senator Chapman, the joint convention was dissolved.

The Senate returned to its chamber and resumed its sitting.

The following committee clerks appeared before the bar of the Senate and were duly sworn:

Morris Kershorn—Educational Institutions.

Wm. Patterson—Senator Clarkson.

Senator Nichols moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 21, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. John W. Day of Des Moines.

On request of Senator Whipple, leave of absence was granted Senator Stuckslager for the day.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren, presented petition of citizens of Fairfield, Iowa, asking an amendment to section (2594), Chapter (18), Code of Iowa, relating to the Practice of Pharmacy.

Referred to committee on Pharmacy.

Senator Burgess presented petition of Board of Supervisors of Howard County, Iowa, asking the repeal of section (2570-a) of the Code, Supplement of 1907, relating to quarantine and fumigation.

Referred to committee on Public Health.

Senator Francis presented petition of Board of Supervisors of Kossuth County, Iowa, asking the repeal or amendment of the quarantine and fumigation laws as found in section (2570-a) of the Supplement to the Code.

Referred to committee on Public Health.

Senator Burgess presented petition of Board of Supervisors of Winneshiek County, Iowa, asking an amendment of the quarantine and fumigation laws as found in section (2570-a) of the 1907 Supplement to the Code of Iowa.

Referred to committee on Public Health.

Senator McManus presented petition of citizens of Keokuk, Iowa, asking an amendment to the game laws of Iowa, by which turtle doves be placed on the list with other game birds.

Referred to committee on Fish and Game.

Senator Seeley presented the following petition:

Petition to the Thirty-Third General Assembly of the State of Iowa, from the City Council of Mt. Pleasant, Iowa, sitting as a Board of Health.

WHEREAS there has been much dissatisfaction upon the part of the Board of Health and the citizens of Mt. Pleasant, Iowa, as well as the medical profession, because of the undesirable quarantine laws and the unsatisfactory provisions for the enforcement of the same, now

Be it Resolved, That we request from the Legislature some relief therefrom, and call its attention to the following facts, and offer the following suggestions:

First. That for Mt. Pleasant alone the quarantine expenses for the period beginning with September 15 and ending December 7, 1908, were over \$1,600.

Second. That certain families sought and secured quarantine improperly that they might live at the City's expense.

Third. That abuses have been found in the quarantine of persons alleged to have diphtheria, but whom this Board is informed only had sore throat.

Fourth. That the physicians against their will have been forced to make unnecessary visits and incur unnecessary expense by families who desired to impose upon the community at large and have been helpless themselves to prevent it. That they have been subjected to threats of withdrawal of patronage from certain families if they did not quarantine or otherwise accede to the demands of said families, and have been so subjected to temptation and pressure, to which they should not be subjected.

That in the attempt to regulate and limit the expense worthy families have been subjected to annoyance, and injustice has resulted to the physicians themselves, and the medical profession here insists with this board upon radical changes of existing laws.

Fifth. That the abuses and impositions have become so rank as to be no longer bearable and this body demands some proper relief therefrom.

Sixth. In this connection we make the following suggestions:

(a) That no person be quarantined except by the Board of Health itself acting as a body, or the Mayor of any City or Town, upon the advice of its Health Officer.

(b) That every person quarantined be furnished with food and fuel only, and only under the direction of the Board or its specifically authorized agent, which authorization shall be of record and shall be made only in meeting of the Board.

(c) That no medicines and no physicians be provided at public expense except in those cases in which the parties quarantined are absolutely unable to secure the same themselves.

(d) That in such cases the local Board of Health shall be the sole judges of such necessity and provide therefor at its discretion.

(e) That the existing rules of fumigation which this Board considers unnecessarily strict be modified and made reasonable, and any competent employe of the local Board be permitted to disinfect after quarantine.

Be it further resolved that a copy of this resolution be sent to the member of the Senate and the member of the House from this district.

Passed January 11, 1909.

JOHN DUGDALE,

Mayor.

Attest: W. D. WORTHINGTON, *Clerk.*

Referred to committee on Public Health.

INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 34, a bill for an act to provide for the taxation of mortgages of real property.

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

By Senator Van Law, Senate File No. 35, a bill for an act to amend the law as it appears in sub-division (2) of section (2448), of the 1907 Supplement to the Code, relative to the location of places wherein intoxicating liquors are sold.

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

Senator Seeley from the committee on Compensation of Public Officers, returned to the Senate, Senate File No. 32.

Senator De Armand asked unanimous consent to withdraw Senate File No. 32 from further consideration.

Consent granted.

Senator Francis offered the following Concurrent Resolution and moved its adoption :

Resolved by the Senate, the House Concurring, That five hundred (500) vest pocket copies of the committee appointments and committee room assignments of the Senate and House be printed for distribution and use.

On objection the resolution was laid over under the rules.

Senator Smith of Des Moines, offered the following Concurrent Resolution and moved its adoption :

CONCURRENT RESOLUTION.

WHEREAS, Mr. Andrew Carnegie has donated funds and caused to be established the "Carnegie Foundation for the Advancement of Teaching," with the high aim to provide retiring allowances for the teachers in colleges, universities and technical schools of the three English speaking countries of America and to serve the cause of higher education by advancing and dignifying the profession of the teacher in these higher institutions of learning; therefore,

Be it Resolved by the Senate, the House Concurring, That, in justice to our worthy professors in the State of Iowa and to realize the high purpose of Mr. Carnegie and promote the general teaching profession, we hereby authorize the Regents of the State University of Iowa, the Trustees of the Iowa State College of Agriculture and Mechanic Arts, and of the State Teachers' College of Iowa to make application for the admission of these state institutions to the rights and privileges of the Carnegie Foundation for the Advancement of Teaching and approve any action heretofore taken or hereafter taken by said Regents or Trustees on behalf of said institutions.

Adopted.

Senator Bennett asked unanimous consent to withdraw the Concurrent Resolution introduced by him relative to the appointment of committees to visit the several state institutions and providing for adjournment until Monday, January 25, 1909.

Consent granted.

REPORT OF COMMITTEE.

Senator Gilliland, 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. 30, a bill for an act to repeal Section Fifteen Hundred and Seventy-one (1571) of the 1907 Supplement to the Code relating to steam engines on roads and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Passed on file.

The President announced the following communication which was read:

HISTORICAL BUILDING,
HALL OF PUBLIC ARCHIVES.

Hon. Geo. W. Clarke, President of the Senate.

Dear Sir:—I desire to announce to the members of the Senate, that this Department has arranged for easy reference all of the original bills, resolutions, committee records and the documents of every description

pertaining to both bodies of the General Assembly, from the First Territorial Assembly to the Thirty-second General Assembly.

Also all original documents so far as same have come into the possession of this Department.

These original papers we desire to place at your disposal. They can be seen at this department or furnished members or their Clerks upon request in the shortest possible time.

I desire that your body avail themselves of this information at any time.

Respectfully,

J. H. KELLEY,
Manager of Archives.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 36, a bill for an act to appropriate money for the use of the Industrial School for girls at Mitchellville, Iowa.

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

By Senator Nichols, Senate File No. 37, a bill for an act to repeal section (1366) of the Code and enact a substitute therefor relative to assessment rolls.

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

By Senator Allen of Pocahontas, Senate File No. 38, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same.

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

By Senator McManus, Senate File No. 39, a bill for an act to amend sections (2551) and (2561) of the Code of Iowa, relative to the protection of game.

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

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

The following committee clerks appeared before the bar of the Senate and were duly sworn:

Jean Watkins—Minority.

Alfred Peters—Public Lands.

Mary Roberts—Minority.

Carrie Pickrel—Minority.

Edna Vorhees—Agriculture.

INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 40, a bill for an act to appropriate money for the use of the Reformatory at Anamosa, Iowa.

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

By Senator Bruce, Senate File No. 41, a bill for an act to repeal sections (1570-b) and (1570-c) of the Supplement to the Code and enacting a substitute therefor, and requiring the township trustees to maintain earth roads with a drag and to contract for the use of the same, and to provide penalties for injury to such road or the work done thereon.

Read first and second time and referred to committee on Public Highways.

Mildred Johnson, clerk for committee on Corporations having resigned, Grace Bingham, clerk for committee on Agriculture, was transferred to clerk for committee on Corporations.

Senator Smith of Mitchell, moved that the Senate do now adjourn until 10:00 o'clock tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 22, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. M. Holmes of Indianola, Iowa.

On request of Senator Frudden, leave of absence was granted Senator Mattes until Monday morning.

PETITIONS AND MEMORIALS.

Senator Nichols presented petition of attorneys of the Twentieth Judicial District of Iowa, asking an amendment to the law relative to compensation of short-hand reporters.

Referred to Committee on Compensation of Public Officers.

Senator Seeley presented the following petition:

MT. PLEASANT, IOWA, JAN. 9, 1909.

Hon. W. B. Seeley, Des Moines, Iowa.

Dear Sir:—We think the people who are able should be obliged to pay for their own quarantine and fumigating expenses and that the burden and expense of these matters should be on the county only in cases of those who are unable to pay, and paupers. We are starting a movement therefor to have our next legislature repeal Sec. 2570-A of the 1907 Supplement of the Code and enacting in lieu thereof a new law which in substance will provide that all quarantine and fumigating expenses must be paid by the individuals if they are able to do so. If they are not able to pay, then one-half to be paid by the town or township as the case may be, the county being only responsible for one-half.

Very respectfully,

E. F. LEACH,

Chairman Board of Supervisors, Henry Co., Iowa.

H. K. SMITH,

Member of the Board.

M. W. HARSHBARGER,

Member of the Board.

Referred to Committee on Public Health.

INTRODUCTION OF BILLS.

By Senator Moon, Senate File No. 42, a bill for an act to amend Section (4600-a) of the 1907 Supplement to the Code, relative to the compensation of Justices of the Peace and Constables in Townships having a population of 22,000 and under 35,000.

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

By Senator Maytag, Senate File No. 43, a bill for an act making an appropriation to pay the additional employes of the Thirty-third General Assembly.

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

By Senator Maytag, Senate File No. 44, a bill for an act making an appropriation for the purchase of (20,000) copies of the Railroad Commissioners official maps to be distributed by the members of the General Assembly and Railroad Commissioners.

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

By Senator Smith of Mitchell, Senate File No. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the state against persons.

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

By Senator DeWolf, Senate File No. 46, a bill for an act making an appropriation for the support and the development of the Iowa State Normal School at Cedar Falls.

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

By Senator Francis, Senate File No. 47, a bill for an act repealing Section (5462) of the Code of 1897, relating to reversals by the Supreme Court upon appeal thereto in criminal cases, and providing a substitute therefor.

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

By Senator Nichols, Senate File No. 48, a bill for an act to amend Section (1661-a) of the Supplement to the Code relative to State aid to County and District fairs.

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

By Senator Francis, Senate File No. 49, a bill for an act to amend Section (5438) of the Code of 1907, relating to the granting of a new trial and arrest of judgment in criminal cases.

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

By Senator Hoyt, Senate File No. 50, a bill for an act to legalize the action and proceedings of the city council of the city of Manchester, relative to the boundary line and extent of the limits of said city.

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

By Senator Peterson (by request), Senate File No. 51, a bill for an act to amend Section (254-a-2), of the Supplement to the Code, relating to the compensation of short-hand reporters.

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

By Senator Seeley, Senate File No. 52, a bill for an act to appropriate money for the use of the Mt. Pleasant State Hospital at Mt. Pleasant, Iowa.

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

By Senator Gilliland, Senate File No. 53, a bill for an act to appropriate money for the use of the Institution for Feeble-Minded Children at Glenwood, Iowa.

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

By Senator Francis, Senate File No. 54, a bill for an act for the preservation and improvement of Medium Lake and the islands therein, and placing the same within the jurisdiction of the City of Emmetsburg and making appropriation therefor.

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

By Senator Hunter, Senate File No. 55, a bill for an act to amend Section (2570-a) of the Code Supplement of 1907, relating to the care of persons infected with contagious disease.

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

By unanimous consent Senate File No. 18, set for a Special Order at 11 o'clock A. M., was taken up for consideration.

THIRD READING OF BILLS.

Senate File No. 18, a bill for an act to amend Section Three Thousand and Fifty-three (3053) of the Code of 1897, relating to legal holidays.

The Bill was read for information.

Senator De Armand offered the following amendment and moved its adoption. Amend by striking from list noted the words "January 1st."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Clark, Clarkson, De Armand, Gilliland, Jamieson, Quigley—6.

The nays were:

Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—42.

Absent or not voting:

Senators Balkema and Mattes—2.

So the amendment was lost.

Senator Stuckslager moved that the rule be suspended, 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 ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De

Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Balkema, Jamieson, Mattes, Parshall, Whiting—5.

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 Concurrent Resolution in which the concurrence of the Senate is asked:

Concurrent Resolution relative to printing 2,000 copies of vest pocket edition of the Standing Committees.

C. R. BENEDICT,
Chief Clerk.

On request, Senator Sammis was granted leave of absence until next Tuesday.

HOUSE MESSAGE CONSIDERED.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House, the Senate Concurring, That the Chief Clerk of the House and the Secretary of the Senate be authorized to have printed 2,000 copies of a combined vestpocket edition of the Standing Committees of the two houses of the Thirty-third General Assembly.

Senator Gilliland offered the following amendment and moved its adoption: Amend by striking out the figures "2000" and substituting the figures "500."

Adopted.

Senator Francis offered the following amendment and moved its adoption: Amend by adding the following words, "and the Committee Room assignments."

Adopted.

Senator Francis moved that the Senate concur in the House Concurrent Resolution as amended.

Carried.

Senator Francis asked unanimous consent to withdraw the Concurrent Resolution introduced by him yesterday, relative to the printing of vest-pocket editions of the committee appointments and committee room assignments.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Sammis, Senate File No. 56, a bill for an act to appropriate money for the use of the Cherokee State Hospital at Cherokee, Iowa.

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

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

REPORT OF JOINT COMMITTEE ON BILLS.

Senator Adams 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 Joint Resolution No. 1, relating to the selection of additional employes of the Thirty-third General Assembly, fixing their compensation and defining their duties.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Whipple, Senate File No. 57, a bill for an act to appropriate money for the use of the College for the Blind at Vinton, Iowa.

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

Senator Burgess moved that the Senate do now adjourn until 10:00 A. M. tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, Jan. 23, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. E. Reed, of Hopkinton, Iowa.

On request of Senator Brown, leave of absence was granted Senator McCulloch until Monday morning.

On request of Senator Bennett, leave of absence was granted Senator Chapman until Tuesday.

On request of Senator Moon, leave of absence was granted Senator Fitchpatrick until Monday.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Van Law until Monday.

On request Senator Saunders was granted leave of absence from Mondays' session.

On request of Senator De Armand, leave of absence was granted Senator De Wolf until Monday.

On request of Senator Seeley, leave of absence was granted Senators Smith of Mitchell and Bruce for the day.

PETITIONS AND MEMORIALS.

Senator Francis presented petition from the Board of Supervisors of Clay County and the Board of Health of the City of Spencer, Iowa, asking for the repeal of Section (2570-a), Supplement to the Code and enacting a substitute therefor.

Referred to Committee on Public Health.

The President presented petition from the Nebraska legislature asking that a committee of six be appointed, one from each district, to confer or consult by letter or otherwise with the legislatures of Iowa, Missouri, Kansas, Colorado, Wyoming and Montana, in regard to obtaining a just and equitable demurrage law between the shippers and railroads of said states.

Referred to Committee on Railroads.

INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 58, a bill for an act to revise, amend and codify the Statutes in regard to the Public Schools.

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

By Senator Hammill, Senate File No. 59, a bill for an act to amend Section (3394) of the Code of Iowa relating to the sale of intoxicating liquors by permit holders.

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

By Senator Bennett, Senate File No. 60, a bill for an act to amend Chapter (3) of the Code of Iowa. To repeal Sections (1109) and (1119) thereof and to enact substitutes for said sections relating to the printing and marking of ballots.

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

By Senator Seeley, Senate File No. 61, a bill for an act requiring the teaching of agriculture to be included in the course of study of the State University of Iowa, the State College of Agriculture and Mechanic Arts and the State Normal School for the purpose of preparing teachers of Agriculture and Domestic Science at the expense of the State in accredited colleges and providing for the teaching of elementary agriculture in the public schools after a specified time and making appropriation therefor.

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

By Senator Smith of Des Moines, Senate File No. 62, a bill for an act to regulate trust companies, to authorize such companies and state and savings banks to act in a fiduciary capacity and to amend Section (1611) of the Code relating to corporations.

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

By Senator Francis, Senate File No. 63, a bill for an act making it the duty of all persons operating vessels propelled by machinery to carry lights during certain hours, providing rules for action upon meeting other vessels and fixing penalty for violation.

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

By Senator Maytag, Senate File No. 64, a bill for an act making an appropriation for the salary and expenses of state agents and other expenses incurred under Chapter (181) of the Acts of the Thirty-third General Assembly.

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

Senator Seeley asked unanimous consent to have printed 500 extra copies of Senate File No. 61.

Consent granted.

REPORT OF COMMITTEE.

Senator Balkema from the Joint Committee on Rules, submitted the following report and moved its adoption:

The Senate Rules of the Thirty-second General Assembly are recommended for adoption as the rules to govern the deliberations of the Senate during the Thirty-third General Assembly with the following changes, amendments and additions:

In the first line of the first paragraph of the "Order of Daily Business" of said rules, the word "or" to be changed to "and."

That paragraphs 7 and 8 in "Order of Daily Business" be transposed so that "Unfinished Business Before the Senate" shall precede "Third Reading of Bills."

That paragraph 9 of said "Order of Daily Business" be stricken out.

That the words "Standing Committees" just below the last paragraph of "Order of Daily Business" be stricken out.

That Rule 28 of said Rules be amended by adding thereto the following: "All Committee Clerks shall be competent stenographers and of good moral character. Any clerk may be discharged for inefficiency, immorality or indecent or unbecoming conduct whether in or out of the Senate Chamber; and, upon the request of any Senator or the President of the Senate made to the chairman of a committee, a meeting of the committee shall be called for the purpose of considering the question of the discharge of such clerk upon any of the grounds above specified."

That the following rule be inserted to follow Rule 39:

"The hours to which the Senate shall stand adjourned from day to day shall be nine o'clock a. m., and two o'clock p. m., unless otherwise ordered by the Senate."

That Rule 15 be amended by adding after the words "shall be" in the thirteenth line thereof, the following: "typewritten double space, and."

That the Rules of the Thirty-third General Assembly be numbered as follows: The "Regular Order of Daily Business" consisting of nine paragraphs shall be Rule One, and the rules following same to be numbered consecutively in accordance therewith. A copy of said Rules so numbered is submitted herewith.

It was further ordered that the Joint Rules of the Thirty-second General Assembly be recommended to the Senate for adoption as the Joint Rules governing the deliberation of the Thirty-third General Assembly.

NICHOLAS BALKEMA,
Chairman.

SENATE RULES. •

REGULAR ORDER OF DAILY BUSINESS.

1. The following order shall govern:
 1. Presentation of petitions and memorials, addressed to the Senate or the General Assembly.
 2. Introduction of bills.
 3. Resolutions.
 4. Communications on the President's table, including House messages.
 5. Reports of standing committees, in order in which they stand in the rules, except the Committee on Engrossed and Enrolled Bills, Rules and Printing.
 6. Reports of select committees.
 7. Unfinished business before the Senate.
 8. Third reading of bills.
 9. General order of the day.
2. The President shall take the Chair at the hour to which the Senate is adjourned, and call the Senate to order; and if a quorum be present, he shall proceed with the regular order of daily business, unless otherwise ordered by the Senate, or unless a Special Order for the day shall interfere therewith. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Senate. He shall appoint all committees, unless otherwise especially ordered. Immediately preceding the adjournment of each morning session, or, in case it can not be done during that session, then as soon after the convening of the next following session as he may find most convenient, the President shall call for corrections of the Journal of the last day's proceedings. He shall then cause any mistakes therein to be corrected by the Secretary, and the Journal shall then be approved.
3. The Senate shall, at its pleasure, elect a President pro tem., who shall hold his office during the remaining portion of the time for which the President was elected; and when the President shall from any cause be absent, the President pro tem. shall preside, except when the Chair is filled by appointment by the President.
4. There shall be appointed by the Lieutenant-Governor, at each session of the Senate, to hold their positions during such session, but subject to be discharged by the President of the Senate for inefficiency or misbehavior, or other reasons in his judgment justifying such discharge, six messengers for the Senate. And the President may appoint other messengers in the place of any discharged.

5. One-fourth of the members may have a call of the Senate, and absent members sent for and their attendance enforced.

6. When a member is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

When the vote is taken *viva voce*, questions shall be distinctly put in this form, viz: "As many as are of the opinion (as the case may be) say 'aye.'" And after the affirmative voice is expressed: "As many as are of the contrary opinion say 'no.'" If the President doubt, or a division be called for, the Senate shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

8. Every member present when a question is put shall vote, unless he shall, for special cause, be excused by a vote of the Senate; but no member shall vote on any question in the event of which he is directly and personally interested, or, except by consent of the Senate in any case where he was not present when his name was called in the taking of the vote. Provided, that any member who was absent by leave of the Senate may vote at any time before the result is announced.

9. All motions (except to adjourn, postpone, or commit,) shall be reduced to writing, if required by any member of the Senate. Any motion or resolution may be withdrawn by the mover, provided, the same has not been amended by the Senate, and that no amendment is pending thereto.

10. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting clause of a bill shall have the precedence of a motion to amend; and, if carried, shall be considered equivalent to the rejection of the bill.

11. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate, and all incidental questions of order rising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

12. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon pending amendments and then upon the main question unless otherwise indicated by the motion and ordered by the Senate, except that the member in charge of the measure under consideration shall have ten minutes in which to close the discussion, immediately before the vote is taken upon the main question. If the previous question is decided in the negative, the Senate shall proceed with the matter before it, the same as though the previous question had not been moved.

13. Any member may call for a division of a question, which shall be divided, if it comprehends propositions in substance so distinct that one being taken away substantive propositions shall remain for the decision of the Senate. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments to the matter attempted to be stricken out, nor a motion to strike out and insert.

14. When a motion or question has been decided, any member having voted on the prevailing side, may move a reconsideration, on the same or next legislative day.

15. A motion to print any paper presented to the Senate may, on motion, be referred to the Committee on Printing, whose duty it shall be to report at the earliest time practicable, on the propriety of printing.

16. Every bill shall be introduced on the report of a committee, or by leave, and shall at once be given its first reading. Every bill and joint resolution shall have received three several readings previous to its passage; but no bill or joint resolution shall have its second and third readings on the same day, without a suspension of this rule; and every bill and joint resolution shall express in its title the object thereof. All rules of the Senate applicable to bills shall apply with equal force to joint resolutions. Each bill and proposed joint resolution, when introduced shall be typewritten, double-space, and accompanied by a copy thereof, which shall be delivered, instead of the original, to the State Printer by the Secretary of the Senate.

17. Before the same is presented, there shall be endorsed on each petition a brief statement of the subject-matter thereof, and on each bill and joint resolution the title thereof, and in either case the name of the Senator presenting the same. In presenting a petition, the Senator shall briefly state from his place in the Senate Chamber the subject-matter to which the petition relates.

18. The first reading of a bill or joint resolution shall be for information, and, if objection be made to it, the question shall be, "Shall the bill (or joint resolution, as the case may be) be rejected?" If no objection be made, or the question to reject be lost, the bill or joint resolution shall go to its second reading without further questioning.

19. Upon the second reading of a bill or joint resolution, the President shall state it as ready for commitment, amendment or engrossment, and if committed, then the question shall be, whether to a select or standing committee, or a committee of the whole. If to a committee of the whole, the Senate shall determine on what day. If no objection is made, the President of the Senate may refer the bill or joint resolution to an appropriate committee, or to such committee as the Senator who introduces the measure shall suggest. But if the bill or joint resolution be ordered to be engrossed, it shall be in order for its third reading any session after that day. No bill or joint resolution shall be committed or amended until it shall have been twice read.

20. (a) All bills carrying appropriations shall be referred to the Committee on Appropriations, which the Committee shall report back to the Senate not later than the first Monday after March 15th. After the third legislative day prior to said Monday, House bills shall be reported back by said Committee within three days from the reference thereof.

(b) No bill carrying an appropriation shall be introduced after March 15th except by the Committee on Appropriations.

(c) On or before the first Monday after March 15th, the Committee on Appropriations shall prepare an itemized schedule of all appropriations recommended by the Committee on Appropriations and have the same printed and laid upon the desks of members, and no appropriation bill shall be taken up for consideration and passage until the third legislative day thereafter.

21. When a question is lost on engrossing a bill, or joint resolution for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. After a third reading of a bill or joint resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present; and the vote on its final passage shall be immediately taken without debate.

22. A bill or joint resolution may be committed at any time previous to its third reading.

23. In filling blanks, the largest sum and longest time shall be first put.

24. On the return of a bill or joint resolution from the House, with an amendment, it shall be placed with the third reading of bills, unless the Senate shall otherwise order. On the question of adopting the amendment the vote shall be taken on the final passage of the bill, and if the amendment be adopted by a constitutional majority, no further vote is necessary.

25. All bills and joint resolutions introduced, except local or legalizing bills, shall be printed, unless otherwise ordered by the Senate, and Committees may order to be printed any bills under consideration by them, and any substitutes for bills or resolutions reported by them.

26. It shall be in order for the Committee on Engrossed and Enrolled Bills, on Rules and on Printing, to report at any time, when no member is addressing the Senate.

27. When any special order of the day is not proceeded with on the day assigned, it shall stand as a general order on each succeeding day until disposed of, unless otherwise ordered, but its consideration can not be moved until that order of business is reached, when it shall be taken up in order of its file, and shall be taken up in the order of precedence.

28. When the pending question is interrupted by a "Special Order," it shall, upon the disposal of the special order, be before the Senate in the same stage as if it had not been so interrupted.

29. Committees are permitted to employ clerks by the majority vote of the whole committee. The clerk shall be selected by such vote, and in like manner may be discharged for inefficiency, or when the services of the clerk becomes unnecessary. All committee clerks shall be competent stenographers and of good moral character. Any clerk may be discharged for inefficiency, immorality or indecent or unbecoming conduct whether in or out of the Senate Chamber; and, upon the request of any Senator or the President of the Senate made to the chairman of a committee, a meeting of the committee shall be called for the purpose of considering the question of the discharge of such clerk upon any of the grounds above specified.

30. Clerks of Senate committees, when not engaged in duties pertaining to such committees, or work assigned them by the committee chairman, shall be subject to the discretion of the Secretary of the Senate, for any labor connected with the duties of his position or his assistants. The Secretary shall, from time to time, make detail from said clerks to assist in preparing copy or correcting proof for the daily journal.

31. All reports of committees on bills or resolutions shall be made in duplicate and be accompanied with the original bill or resolution to which the report relates: Providing that this rule shall not apply to the reports of Committees on Enrolled and Engrossed Bills.

32. When a vote is taken in any committee upon any bill or resolution before it, or any motion relating to the merits thereof, the chairman shall see that no person is present except the members and clerk of said committee, unless otherwise ordered by the committee.

33. Smoking in the Senate Chamber is hereby prohibited while the Senate is in session. And any officer or employe who shall indulge in smoking while on duty in the Senate Chamber or doorways leading thereto, shall thereby subject himself to liability of discharge.

34. Admission to the floor of the Senate Chamber shall be granted by the Doorkeeper to the Governor and his private secretary, members of the House of Representatives, the State officers and their deputies, judges of the several courts, ex-members of the Legislature, ex-State officers, and the regular reporters of the Senate and clerks of committees. No persons, except those herein specified, shall be admitted, except upon special permission of the President of the Senate, or of a member of the Senate. And no person shall be permitted, by members or otherwise, to come upon the floor of the Senate or into the cloak rooms to solicit or influence Senators in their official action, or to sell any article or to solicit subscriptions. No officer or employe elected or appointed by the Senate or any of its committees, shall solicit or endeavor to influence members of the Legislature, in their official action. Any person violating this rule shall be summarily dismissed by the Senate.

35. In case of disturbance or disorderly conduct in the lobby or gallery, the presiding officer shall have the power to order the same cleared.

36. Before acting on executive business, the Senate Chamber shall be cleared, by direction of the President, of all persons except members, the Secretary, the Sergeant-at-Arms, members enjoined and the Secretary and Sergeant-at-Arms sworn, to observe secrecy.

37. When an adjournment has been ordered by a vote of the Senate, and before adjournment is declared by the President of the Senate, it shall be in order for the chairman of the several committees to announce in open Senate the time and place of meeting of their respective committees.

38. No standing rule or order of the Senate shall be rescinded or suspended, nor shall any matter, tabled upon motion, be taken up, unless by a vote of two-thirds of the members present, except an order fixing the hour to which the Senate shall stand adjourned.

39. Resolutions, including concurrent resolutions, shall not be acted upon by the Senate upon the day the same are introduced or received by the Senate, but shall lie upon the table for one Legislative day if

any member object to the immediate consideration thereof. But if no member object, the same may have immediate consideration. Nothing in this rule shall abridge or prevent the usual right to reference to committee.

40. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the Senate, and Joint rules of the Senate and House of Representatives.

41. The hours to which the Senate shall stand adjourned from day to day shall be nine o'clock a. m., to two o'clock p. m., unless otherwise ordered by the Senate.

42. The duties of the officers and employes of the Senate are as stated in the paragraphs relating thereto, and appended to these rules.

The Secretary of the Senate shall have charge of the Secretary's desk, and shall see that no one is permitted therein except himself and those assisting him. He shall be responsible for the custody and safe-keeping of all bills resolutions and other matters laid before or introduced into the Senate, except while the same are in the possession of the committee to whom the same shall have been referred, and when delivering the same to said committee he shall take a proper receipt therefor. He shall see that the Journal of each day's proceedings is correctly and fully kept, and fully made up before the next day's session, and be responsible for its safe-keeping. He shall have control of Room 25, which is assigned to said Secretary for the use of himself and his assistants. He shall endorse on every bill or joint or concurrent resolution, the date of its introduction, and by what Senator, or of its receipt from the House, and also what action relating thereto is taken by the Senate. The Assistant Secretaries shall be under his direction, and he shall assign to them their several duties in connection with the duties of the Secretary's desk.

The Sergeant-at-Arms shall wear the appropriate badge of his office; shall attend the Senate during its sessions; shall aid in the enforcement of order under the direction of the President of the Senate; shall execute the commands of the Senate from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the presiding officers; shall see that the rule prohibiting smoking in the Senate Chamber is strictly enforced; shall, upon the request of any five members, have the Senate Chamber lighted up during any evening within the session, except Sunday, to an hour not later than 10:00 p. m.; shall see that no person, except one authorized to do so, disturbs or interferes with desks of the members, or with the books, papers, etc., thereat; shall see that the printed bills and daily Journals are, at the earliest practicable the session, except Sunday, to an hour not later than 10:00 p. m.; shall have charge of the files in the Senate bill room, and shall see that no copy of bill is given out except to or upon the order of the President, a Senator, or State officers; shall see that an additional doorkeeper is detailed for duty at the Senate Chamber upon each day within the session, except Sunday, from 8:30 a. m. to 10:00 p. m., but should not five members of the Senate desire to occupy the Chamber to that hour, the detail may be relieved at 9:00 p. m.; shall have charge of the messengers of the Senate and see that they severally perform their duties, and shall promptly

report to the President of the Senate any inefficiency or violations of duty on the part of said messengers. He shall direct the File Clerk, and Bill Clerk, if any employed, in the discharge of their duties.

The doorkeeper of the Senate shall wear his appropriate badge of office; shall have special charge of the main door of the Chamber during the sittings of the Senate, and shall see that the other doors of the Senate are properly attended to; shall have general charge and oversight of the additional doorkeepers of the Senate; shall detail such of the additional doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper and necessary for the efficiency of the Senate and the protection of property within the Chamber; shall see that the rule relating to the admission to the floor of the Chamber is strictly enforced; shall, ten minutes before the opening of each session of the Senate, see that the floor is cleared of all persons not entitled to occupy the same during the session; shall attend to seating visitors, and shall announce all committees and messengers from the Governor or House.

The Janitor of the Senate shall have charge, under the direction of the Sergeant-at-Arms, of the cloak and retiring rooms adjoining the Chamber, and shall see that the same are kept in proper order.

The messengers of the Senate shall attend the Senate during its sittings and perform the duties generally devolving on like employes. While the Senate is sitting, two of their number shall be detailed for service in front of the Secretary's desk. The messengers shall be under the direction of the Sergeant-at-Arms, while the Senate is not sitting, and shall attend to such duties as he may assign them.

At least four messengers shall be on duty in the Senate Chamber upon every day of the session except Sundays, from 8:30 a. m. until 6:00 p. m., whether the Senate is in session or not.

Adopted.

Senator Balkema moved that the rules as amended and reported by the Committee on Rules, be adopted by the Senate and that the Joint Rules of the Thirty-second General Assembly be adopted by the Senate as the Joint Rules of the Thirty-third General Assembly.

Carried.

The President announced that he had signed in the presence of the Senate House Joint Resolution No. 1.

REPORTS OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 12, a bill for an act to amend Section three hundred and thirty-three (333) of the Code relating to persons exempt from liability to act as jurors, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "Dentists Exempt" appearing in the first line of Section 1, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 25, a bill for an act repealing Chapter 240 of the Acts of the Thirty-second General Assembly relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title of the bill by inserting before the figures "240" of the first line thereof, the words "Two Hundred Forty," and by inserting before the figures "32" in the second line thereof, the words "Thirty-second.

Amend Section 1 by inserting before the figures "240" in the first line thereof, the words "Two Hundred Forty."

Amend Section 1, by inserting before the figures "32" in the first line thereof, the words "Thirty-second," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the State against persons, partnerships, corporations or associations, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "the law as it appears in" appearing in the first line of Section 1, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Be it Resolved by the House, the Senate Concurring, That a committee of three, consisting of one Senator and two Representatives, be appointed to prepare a suitable program for a joint session of the Thirty-third General Assembly to be held February 12, 1909, at 2 P. M. in the Representative Chamber to commemorate the one-hundredth anniversary of the birth of Abraham Lincoln.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in part and failed to concur in part of Senate amendments to House Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to printing a vest pocket edition of Committees of the General Assembly.

C. R. BENEDICT,
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. 18, a bill for an act to amend Section Three Thousand and Fifty-three (3053) of the Code of 1897, relating to legal holidays.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Allen of Van Buren, Senate File No. 12, a bill for an act to amend Section Three Hundred and Thirty-three (333) of the Code relating to persons exempt from liability to act as jurors, with report of committee recommending passage as amended was taken up, considered, and the report of the committee adopted.

Senator Allen of Van Buren, moved the adoption of the following amendment:

By striking out the words "Dentists Exempt" appearing in the first line of Section 1.

Adopted.

The bill as amended was read for information.

Senator Allen of Van Buren, moved that the rule be suspended, 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 ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clarkson, Cosson, De Armand, Dowell, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

Parshall—1.

Absent or not voting:

Bruce, Chapman, Clark, De Wolf, Fitchpatrick, Foley, Mattes, McCulloch, Sammis, Smith of Mitchell, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 65, a bill for an act to repeal the law as it appears in Section (232) of the 1907 Supplement to the Code, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

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

By Senator McManus, Senate File No. 66, a bill for an act to amend Section (5716) of the Code of Iowa, relative to increasing the salaries of the turnkeys and guards at the Ft. Madison penitentiary.

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

THIRD READING OF BILLS.

On motion of Senator Moon, Senate File No. 25, a bill for an act repealing Chapter (240) of the Acts of the Thirty-second General Assembly, relating to the sale of abandoned channel of the Des Moines River within the corporate limits of the City of Ottumwa, Iowa, with report of committee recommending passage as amended, was taken up, considered, and the report of the committee adopted.

Senator Moon moved the adoption of the following amendments:

Amend the Title of the Bill by inserting before the figures "240" of the first line thereof, the words "two hundred forty" and by inserting before the figures "32" in the second line thereof, the words "thirty-second."

Amend Section (1) by inserting before the figures "240" in the first line thereof, the words "two hundred forty."

Amend Section (1), by inserting before the figures "32" in the first line thereof, the words "Thirty-second."

Adopted.

Senator Moon moved that the rule be suspended, 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 ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clarkson, Cosson, De Armand, Dowell, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Bruce, Chapman, Clark, De Wolf, Fitchpatrick, Foley, McCulloch, Mattes, Sammis, Smith of Mitchell, Van Law.—11.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title as amended agreed to.

HOUSE MESSAGE CONSIDERED.

Senate File No. 18, a bill for an act to amend Section Three Thousand and Fifty-three (3053) of the Code of 1897, relating to legal holidays.

Passed on file.

House Concurrent Resolution, relative to a joint committee to prepare a suitable programme for joint session of General Assem-

bly to commemorate the 100th anniversary of the birth of Abraham Lincoln and appoint as committee on part of the House: Holmes of Kossuth, Moore of Linn.

Senator Maytag moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced as such member of the joint committee on part of the Senate, Senator Maytag.

House Concurrent Resolution. relative to printing a vest-pocket edition of committees of the General Assembly.

Senator Francis moved that Senate recede from the following Senate amendment:

Amend by striking out the words "two thousand" and inserting in lieu thereof "five hundred."

Carried.

Senator Francis moved that the Senate concur in the House Concurrent Resolution.

Carried.

A committee from the House appeared and announced the following communication to the Senate:

We are instructed by the House of Representatives to invite your honorable body to a Burns' Program that will be held in this chamber at 3 o'clock p. m., Monday, January 25, 1909.

C. W. MILLER,
JOHN W. JACOBS,
WILL DRURY.

Committee...

The Journal of yesterday was taken up, corrected and approved. Senator Saunders moved that the Senate do now adjourn until 10:00 o'clock A. M., Monday.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 25, A. D. 1909.

Senate met in regular session at 10:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. P. S. Ervin of Chariton, Iowa.

On request of Senator Peterson, leave of absence was granted Senator Smith of Mitchell until tomorrow.

On request of Senator De Armand, leave of absence was granted Senator De Wolf for the day.

On request of Senator Brown, leave of absence was granted Senator McCulloch for the day.

PETITIONS AND MEMORIALS.

Senator Taylor presented petition from Board of Supervisors of Appanoose County, Iowa, asking a revision of the law as found in Section (2570-a) of the 1907 Supplement to the Code, relative to expenses of quarantine and fumigation.

Referred to Committee on Public Health.

Senator Allen of Van Buren, presented petition from the blacksmiths of Fairfield, Iowa, asking the passage of the Blacksmith's Lien Law.

Referred to Committee on Judiciary.

Senator Dowell presented a remonstrance of the City Council of the City of Des Moines, Iowa, protesting against the enactment of a public utilities measure that will take from the cities and towns and electors thereof the power to grant any rights to the use of the streets or to the control and regulation of public service companies operating within their borders.

Referred to Committee on Cities and Towns.

Senator Jamieson presented petition from Board of Supervisors of Fremont County, Iowa, asking the repeal of Section (2570-a)

Supplement of the Code of Iowa, relating to the expenses of quarantine and fumigation.

Referred to Committee on Public Health.

INTRODUCTION OF BILLS.

By Senator Cosson, Senate File No. 67, a bill for an act to amend Section (5448) of the Code, relating to the time in which an appeal may be taken from the final judgment in criminal cases.

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

By Senator Gilliland, Senate File No. 68, a bill for an act to repeal Section (1306-e) of the Supplement to the Code, 1907, relating to the issuance of bonds by cities and towns, and to enact a substitute therefor.

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

By Senator Hunter, Senate File No. 69, a bill for an act to amend Section (832) of the Code relating to repairs and street improvement or sewer.

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

By Senator Hunter, Senate File No. 70, a bill for an act to amend Section (1530) of the Supplement to the Code, 1907, relating to the county road fund.

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

By Senator Allen of Pocahontas, Senate File No. 71, a bill for an act providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections (1528) and (1530) of the Supplement of the Code, 1907, and enacting substitutes therefor, and repealing Sections (1562) and (1562-a) of the Supplement to the Code, 1907, and repealing Sections (1564), (1565) and (5024) of the Code.

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

Harriet B. Perry, Committee Clerk for Senator Chapman, appeared before the bar of the Senate and was duly sworn.

THIRD READING OF BILLS.

On motion of Senator Proudfoot, Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred Eleven (3311) of the Code, relating to the valuation of personal property, with report of committee recommending passage as amended was taken up, considered, and the report of the committee adopted.

Senator Proudfoot moved the adoption of the following amendment: By striking out the words "the law as it appears in" appearing in the first line of Section 1.

Adopted.

The bill as amended was read for information.

Senator Proudfoot moved that the rule be suspended, 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 ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—39.

Absent or not voting:

Senators Chapman, De Armand, De Wolf, Dowell, Foley, Jamieson, McCulloch, McManus, Sammis, Saunders, Smith of Mitchell—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Gilliland, Senate File No. 30, a bill for an act to amend Section Fifteen Hundred Seventy-one (1571) of the Supplement to the Code 1907, relating to steam engines on roads and to enact a substitute therefore, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Maytag moved the adoption of the following amendment: Amend by striking out in line ten the words "brick, cement or."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Brown, Bruce, Burgess, Clark, Clarkson, De Armand, Gates, Hunter, Jamieson, Mattes, Maytag, Nichols, Parshall, Ream, Seeley, Wilson—16.

The nays were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Cosson, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Larrabee, Moon, Peterson, Proudfoot, Quigley, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—24.

Absent or not voting:

Chapman, De Wolf, Dowell, Foley, Frudden, McCulloch, McManus, Sammis, Saunders, Smith of Mitchell—10.

So the amendment was lost.

Senator Bennett moved the adoption of the following amendment:

Amend by striking out the words "One hundred yards in advance" in lines seven and eight and inserting the word "with."

Adopted.

Senator Mattes moved the adoption of the following amendment:

Amend by striking out the following words in lines 15, 16 and 17, "and in no case shall the county be liable for personal injuries or for damages occurring to any engine or separator."

Adopted.

Senator Allen of Pocahontas, filed the following motion to reconsider:

I move to reconsider the vote by which the amendment of Senator Maytag amending Senate File No. 30 was lost.

Further consideration of Senate File No. 30 was postponed.

INTRODUCTION OF BILLS.

By Senator Burgess, Senate File No. 72, a bill for an act requiring the entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theaters, opera houses, seminaries, colleges and public school buildings to open outward.

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

By Senator Burgess, Senate File No. 73, a bill for an act limiting recovery for newspapers, magazines and other publications to actual subscribers, and to their terms of subscription therefor.

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

By Senator Hunter, Senate File No. 74, a bill for an act to amend Section (894) of the Supplement to the Code, 1907, relating to levying special taxes by cities and towns.

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

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

Senator Gilliland offered the following Concurrent Resolution which was laid over under the rules:

SENATE CONCURRENT RESOLUTION.

WHEREAS, the best thought of the world accords to song high place among the influences that cheer, inspire and uplift a people, and,

WHEREAS, Nations and states may have songs peculiarly expressive of their respective character, sympathies, ambitions and life, and,

WHEREAS, Tacitus Hussey of the city of Des Moines has, in his "Iowa, Beautiful Land," expressed and interpreted the emotions and sentiments of affection and patriotism—aye, revealed the pulse-beat and heart-thought—of Iowa's citizenship, now, therefore,

Resolved by the Senate, the House Concurring, That, in tribute to Mr. Hussey and as a mark of appreciation for his splendid gift to the people of the State; to focus the attention of our sons and daughters upon the things that are worth while and the things that abide; to give to the men and women of other states and lands official proof of our pride in and love for Iowa and reason why we jubilantly crown her queen in all the sisterhood of states, we do hereby declare and proclaim "Iowa, Beautiful Land," the song of our commonwealth.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 18, a bill for an act to amend Section Three Thousand and Fifty-three (3053) of the Code of 1897 Relating to Legal Holidays.

HENRY L. ADAMS,
Chairman.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 18, a bill for an act to amend Section Three Thousand and Fifty-three (3053) of the Code of 1897 Relating to Legal Holidays.

HENRY L. ADAMS,
Chairman Senate Committee.

G. DAY,
Chairman House Committee.

Ordered passed on file.

Senator Adams, from the Joint 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. 18.

HENRY L. ADAMS,

Ordered passed on file.

Senator Adams filed the following motion:

Motion to reconsider.

MR. PRESIDENT—I move to reconsider the vote on the Mattes amendment to Senate File No. 30, striking out that part of lines 15, 16 and 17, which follows the word "violation."

HENRY L. ADAMS.

Senator Hammill asked unanimous consent to have printed 2,000 extra copies of Senate File No. 58 and that same be printed in pamphlet form.

Consent granted.

The President announced that he had signed in the presence of the Senate, Senate File No. 18.

Senator Wilson moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 26, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Geo. H. Kennedy of Oelwein, Iowa.

On request of Senator Peterson, leave of absence was granted Senator Smith of Mitchell for the day.

PETITIONS AND MEMORIALS.

Senator Balkema presented petition from citizens of Sioux Center, Iowa, asking an amendment to Section (2594), Chapter (18), Code of Iowa, relating to the practice of pharmacy and the sale of drugs and medicines by itinerant vendors.

Referred to Committee on Pharmacy.

Senator Hammill presented petition from the Board of Supervisors of Franklin County, Iowa, asking the repeal of the law as found in Section (2570-a) Supplement to the Code of Iowa, relative to the expense of fumigation and quarantine.

Referred to Committee on Public Health.

Senator Hammill presented petition from the Board of Supervisors of Cerro Gordo County, Iowa, asking the repeal of the law as found in Section (2570-a) of the 1907 Supplement to the Code of Iowa, relative to the expense of quarantine and fumigation.

Referred to Committee on Public Health.

Senator Whiting presented petition from the Board of Supervisors of Harrison County, Iowa, asking a revision of the present law relating to the expense of quarantine and fumigation.

Referred to Committee on Public Health.

Senator Balkema presented petition from pharmacists of Sibley, Iowa, asking an amendment to Section (2594), Chapter (18), Code of Iowa, relating to the practice of pharmacy and the sale of drugs and medicines by itinerant vendors.

Referred to Committee on Pharmacy.

Senator Balkema presented petition from pharmacists and druggists of O'Brien County, Iowa, asking an amendment to Section (2594), Chapter (18), Code of Iowa, relating to the practice of pharmacy and the sale of drugs and medicines by itinerant vendors.

Referred to Committee on Pharmacy.

INTRODUCTION OF BILLS.

By Senator Proudfoot (by request), Senate File No. 75, a bill for an act to repeal Sections (16), (17), and (20) of Chapter (20), of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appear on page (4) of the prefix to the Code and enact substitutes therefor; to repeal Sections (18) and (19) of Chapter (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as amended by Chapter (1) of the Acts of the Thirty-first General Assembly and as the same appear on page (5) of the prefix to the 1907 Supplement to the Code and enact substitutes therefor; and to repeal Sections (42), (43), (44), (45), and (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and accounting for, the Codes and Session Laws.

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

By Senator Bennett, Senate File No. 76, a bill for an act to repeal Section (2448-1) of the 1907 Revision of the Code, and Sections (2432) and (2445) of the 1897 Code, relating to statement of consent, payment of mullet tax and distribution of the same, and enacting substitutes therefor.

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

By Senator De Armand, Senate File No. 77, a bill for an act to extend the provisions of Section (850-d) of the Supplement to the Code, relating to Park Commissioners, to cities of special charter.

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

By Senator Foley, Senate File No. 78, a bill for an act authorizing counties in the state to construct and maintain a hospital and authorizing a levy to pay for the construction and maintenance thereof.

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

By Senator Chapman, Senate File No. 79, a bill for an act to legalize a special election of the City of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor and the ordinances, resolutions and acts of the Council, relating to such water-works.

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

By Senator Sammis, Senate File No. 80, a bill for an act to amend Section (1530) of the Code Supplement by providing for the delivery of so much of the road fund tax as is collected from property within the incorporated limits of any city or town to the treasurer of said town.

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

REPORT OF COMMITTEE.

Senator Dowell from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 42, a bill for an act amending Section 4600-a of the 1907 Supplement to the Code relative to the compensation of Justices of the Peace and Constables in townships having a population of 22,000 and under 35,000, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 42.

A Bill for an Act to Amend the Law as it appears in Section Forty-six Hundred-a (4600-a) of the Supplement to the Code 1907, Relating to the Compensation of Justices of the Peace and Constables.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section Forty-six Hundred-a (4600-a) of the Supplement to the Code 1907, be, and the same is hereby amended by striking out the words "twenty-eight" in the second, fifth, seventh and thirteenth lines of said Section, and by inserting in lieu thereof the words "twenty-two."

That said section be further amended by striking out the words "thirty-five" at the end of line sixteen and the beginning of line seventeen of said section, and by inserting in lieu thereof the words "twenty-eight."

That said section be further amended by striking out the words "twenty-eight" in line eighteen and inserting in lieu thereof the words "twenty-two."

That said section be further amended by striking out the words "thirty-five in line nineteen of said section, and inserting in lieu thereof the words "twenty-eight," and by striking out the words and figures "twenty-eight thousand (28000)" in line twenty-one of said section and by inserting in lieu thereof the words "twenty-two thousand (2200)."

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

The substitute was read first and second time and passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Concurrent Resolution relative to adjournment from Wednesday, January 27 until Tuesday, February 2, at 10 o'clock A. M.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Moon, Senate File No. 42, a bill for an act amending Section (4600-a) of the 1907 Supplement to the Code, relative to the compensation of Justices of the Peace and Constables, in townships having a population of 22,000 and under 35,000, with report of committee recommending passage by substitute was taken up, considered, and the report of the committee, as amended adopted.

Senator Moon moved that the substitute be substituted for the original bill.

Carried.

Senator Moon moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

The bill was read for information.

Senator Moon moved that the rule be suspended, 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 ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Foley and Smith of Mitchell—2.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion, Senate File No. 30, a bill for an act to amend Section Fifteen Hundred Seventy-one (1571) of the Supplement to the Code, 1907, relating to steam engines on roads and to enact a substitute therefor, was taken up and considered.

On the motion filed by Senator Allen of Pocahontas, to reconsider the vote by which the amendment of Senator Maytag, amending Senate File No. 30 was lost, a roll call was demanded.

Senator Frudden moved that further consideration of the bill be postponed until Senate File No. 19, a similar bill be reported for consideration.

Carried.

Senator Sammis moved that Senate File No. 30 be referred to the Committee on Judiciary.

Carried.

The Journal of yesterday 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 Joint Resolution in which the concurrence of the Senate is asked:

Joint Resolution No. 2, providing and empowering the Regents and Trustees of the State Educational Boards to admission to the rights and privileges of the Carnegie Fund.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGE CONSIDERED.

House Concurrent Resolution, relative to adjourn from Wednesday, January 27th, until Tuesday, February 2d, at 10:00 o'clock, A. M.

CONCURRENT RESOLUTION.

Be it Resolved by the House, the Senate Concurring. That the Speaker of the House and the President of the Senate appoint committees of five members, three on the part of the House, two on the part of the Senate, to visit the several State Institutions for the purpose of securing all possible information to assist the General Assembly in its work and that the several visiting committees shall submit a written report of their findings to both the House and the Senate not later than February 8, 1909.

For the purpose of carrying this resolution into effect,

Be it Further Resolved, That when adjournment is taken Wednesday, January 27, it be to re-convene on Tuesday, February 2, at 10 o'clock A. M.

Senator Frudden moved the adoption of the following amendment:

Strike out the words "Wednesday, January 27th," and insert in lieu thereof the words "Thursday, January 28th," and also strike out the words "Tuesday, February 2d," and insert in lieu thereof the words "Monday, February 1st."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Wolf, Fitchpatrick, Francis, Frudden, Gilliland, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Moon, Nichols, Parshall, Peterson, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Van Law, Whipple, White—31.

The nays were:

Allen of Pocahontas, Allen of Van Buren, De Armand, Dowell, Foley, Gates, Hammill, Mattes, Maytag, Proudfoot, Ream, Sammis, Stuckslager, Whiting, Wilson—16.

Absent or not voting:

Senators McManus, Smith of Mitchell, Taylor—3.

So the amendment was adopted.

Senator Bruce moved the adoption of the following amendment:

Amend by striking out the word "five" and inserting in lieu thereof the word "three" and by striking out the word "three" as it appears in line 6 and inserting in lieu thereof the word "two" and also by striking out the word "two" in the 7th line and inserting in lieu thereof the word "one."

Adopted.

Senator Bruce offered the following amendment and moved its adoption:

Amend by adding the following:

"The chairman of the several committees appointed under this resolution shall constitute a special committee to investigate generally the doings, proceedings and acts of the Board of Control and the official boards and management of all state institutions and make a report to this General Assembly on or before March 1, 1909."

Senator Gilliland moved that the time for adjournment be extended until the Concurrent Resolution under consideration is disposed of.

Carried.

Senator Wilson moved the previous question.

Carried.

On the adoption of the amendment offered by Senator Bruce a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Bruce, Chapman, Fitchpatrick, McCulloch, Parrshall, Saunders, White, Wilson—8.

The nays were:

Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell,

Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Stuckslager, Van Law, Whipple, Whiting—34.

Absent or not voting:

Senators Burgess, Frudden, Jamieson, McManus, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor—8.

Senator Balkema moved that the Senate concur in the House Concurrent Resolution as amended.

On the motion a roll call was demanded.

The ayes were:

Senators Adams, Balkema, Brown, Bruce, Chapman, Clarkson, Cosson, De Wolf, Fitchpatrick, Foley, Frudden, Gilliland, Hoyt, Jamieson, Moon, Nichols, Parshall, Quigley, Saunders, Seeley, Smith of Des Moines, Van Law, Whipple, White—24.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clark, De Armand, Dowell, Francis, Gates, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Peterson, Proudfoot, Ream, Sammis, Savage, Stuckslager, Whiting, Wilson—24.

Absent or not voting:

Senators Smith of Mitchell and Taylor—2.

So the Senate refused to concur in the House Concurrent Resolution.

Senator De Armand moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 27, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Geo. F. Whitfield of Le Mars, Iowa.

PETITIONS AND MEMORIALS.

Senator Hammill presented petition from attorneys of Hancock County, Iowa, asking the passage of the law increasing the compensation of court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Allen of Van Buren presented petition from attorneys of Van Buren County, Iowa, asking the passage of the law increasing the compensation of court reporters.

Referred to Committee on Judiciary.

Senator Seeley presented petition from attorneys of Mt. Pleasant, Iowa, asking the passage of the law increasing the compensation of court reporters.

Referred to Committee on Compensation of Public Officers.

INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 81, a bill for an act to repeal Chapter One Hundred and Eighty-one (181) of the laws as enacted by the Thirty-second General Assembly of the State of Iowa, relating to the assumption of risks, and providing a substitute therefor.

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

By Senator Clarkson, Senate File No. 82, a bill for an act to amend Section Twenty-five Hundred and Seventy-one (2571) of

the 1907 Supplement to the Code, relating to the publication of rules and regulations of local Boards of Health.

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

By Senator Moon, Senate File No. 83, a bill for an act to amend the law as it appears in Section Ten Hundred Eighty-seven-a-10 (1087-a-10), Ten Hundred Eighty-seven-a-twenty-two (1087-a-22) and Ten Hundred and Eighty-seven-a-twenty-seven (1087-a-27) of the 1907 Supplement to the Code, repealing Chapter One (1), Acts of the Special Session of the Thirty-second General Assembly and enacting a substitute therefor relating to the nomination of party candidates for the office of Senator in the Congress of the United States.

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

By Senator Moon, Senate File No. 84, a bill for an act amending the law as it appears in Section Eleven Hundred and Fifty (1150), Eleven Hundred and Fifty-one (1151), Eleven Hundred and Fifty-seven (1157) and Eleven Hundred and Sixty-two (1162) of the Code, relating to the canvass of the vote for Senator in the Congress of the United States.

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

By Senator Smith of Mitchell, Senate File No. 85, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and describing rules for their operations and maintenance, so as to insure the safety and health of employees and patrons of the same; providing for inspection thereof, fees for the same and fixing fines and penalties for violation of such rules and regulations.

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

By Senator Peterson, Senate File No. 86, a bill for an act to appropriate money for the use of the Industrial School for Boys at Eldora, Iowa.

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

By Senator Savage, Senate File No. 87, a bill for an act to repeal Section Sixteen Hundred and Seventy-five (1675) of the Supplement to the Code and to enact a substitute therefor, relative to farmers' institutes.

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

By Senator Savage, Senate File No. 88, a bill for an act to repeal Section Twenty-three Hundred and Forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of State certificates for pure bred stallions.

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

By Senator McManus, Senate File No. 89, a bill for an act to appropriate money for the use of the penitentiary at Fort Madison, Iowa.

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

By Senator Proudfoot (by request), Senate File No. 90, a bill for an act to amend Section Five Thousand and Forty (5040) of the Code, relating to the breach of the Sabbath.

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

By Senator Adams, Senate File No. 91, a bill for an act to define and regulate the practice of Optometry and for the creation of a Board of Examiners in Optometry.

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

By Senator Proudfoot (by request), Senate File No. 92, a bill for an act to amend Section Five Thousand and Six (5006) of the Code, relating to the sale and use of cigarettes.

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

Senator Jamieson offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

WHEREAS, There are, in some regards, outcroppings of a commendable spirit of economy in this General Assembly; and

WHEREAS, It costs the taxpayers of the state between \$700 and \$800 extra each day that the Thirty-third General Assembly is in session, which cost includes the daily items of:

43 extra helpers for the House, at a cost per day of	\$126.00
29 extra helpers for the Senate, at a cost per day of.....	94.50
12 extra helpers for the custodian, at a cost per day of....	24.00
38 House clerks, at a cost per day of	114.00
50 Senate clerks, at a cost per day of	150.00

172 extra help, at a total cost per day of\$508.50

Printing at an approximate daily cost of \$100 or more, and extra cost for fuel, electric lights, gas, water, and miscellaneous incidentals, and extra help not indicated above.

The name, office, and daily salary of these helpers are as follows:

HOUSE EMPLOYES ASIDE FROM COMMITTEE CLERKS.

Name.	Office.	Per Diem.
C. R. Benedict	Chief Clerk	\$6.00
A. C. Gustafson	Assistant Clerk	5.00
John Stevenson	Reading Clerk	5.00
Mrs. M. Heist	Engrossing Clerk	5.00
Mabel Elwood	Enrolling Clerk	5.00
Ruth Woodruff	Journal Celrk	5.00
E. T. Alderman	Journal Celrk	5.00
H. C. Byers	File Clerk	3.00
J. L. Crawford	Bill Clerk	3.00
E. A. Wilmeth	Assistant Bill Clerk	2.00
G. H. Van Houten	Sergeant-at-Arms	4.00
Mrs. Clara K. Hook	Assistant Postmistress	3.00
T. W. Hazelton	Chief Doorkeeper	3.00
Chas. R. Harmon	Assistant Doorkeeper	3.00
Alba Miller	Assistant Doorkeeper	3.00
G. W. Young	Assistant Doorkeeper	3.00
Geo. Thomas	Assistant Doorkeeper	3.00
John VanDirley	Assistant Doorkeeper	3.00
J. W. Long	Assistant Doorkeeper	3.00
P. R. Toll	Assistant Doorkeeper	3.00
John DeBoos	Assistant Doorkeeper	3.00
J. E. Stiles	Assistant Doorkeeper	3.00
C. Moore	Assistant Doorkeeper	3.00
I. S. Jones	Assistant Doorkeeper	3.00
J. B. Melvin	Assistant Doorkeeper	3.00
H. H. Baldwin	Assistant Doorkeeper	3.00
Harold Reynolds	Page	1.50
Neil Weldon	Page	2.00
Berty Byers	Page	1.50

Harrison B. Jewell	Page	1.50
John H. Jewell	Page	1.50
Harry Byram	Page	1.50
Ed Smith	Page	1.50
I. Robison	Page	1.50
Charles Devine	Page	1.50
Albert Crooks	Page	1.50
Fred Wilson	Page	1.50
Harold Inman	Page	1.50
Donald Patterson	Telephone Messenger	1.50
R. N. Hyde	Chief Janitor	3.00
F. V. Miller	Janitor	3.00
Andrew Ford	Janitor	3.00
Wm. B. McMurray	Speaker's Clerk	4.00

SENATE EMPLOYEES ASIDE FROM COMMITTEE CLERKS.

Name.	Office.	Per Diem.
S. W. Neal	Secretary	\$6.00
Geo. A. Wilson	First Assistant Secretary	5.00
Jos. E. Meyer	Second Assistant Secretary	5.00
C. O. Edge	Engrossing Clerk	5.00
D. A. Norton	Enrolling Clerk	5.00
Wm. M. Lewis	Journal Clerk	5.00
Wm. A. Lane	Journal Clerk	5.00
Has. A. Reese	Sergeant-at-Arms	4.00
Paul Gilliland	Bill Clerk	3.00
H. G. Cook	File Clerk	3.00
Edna A. Dodge	Postmistress	3.00
N. J. Jolley	Chief Doorkeeper	3.00
B. F. Crail	Assistant Doorkeeper	3.00
B. I. Kinsey	Assistant Doorkeeper	3.00
D. A. Heisler	Assistant Doorkeeper	3.00
J. E. Winder	Assistant Doorkeeper	3.00
A. W. Hathaway	Assistant Doorkeeper	3.00
I. L. Rerick	Assistant Doorkeeper	3.00
A. D. Page	Assistant Doorkeeper	3.00
W. J. Medaris	Assistant Doorkeeper	3.00
Jeff Logan	Chief Janitor	3.00
Wm. Coalson	Assistant Janitor	3.00
P. S. Ervin	Assistant Janitor	3.00
Chas. Sandler	Lieutenant Governor's Mess'g'r	2.00
Chas. H. Grahl	Messenger	1.50
Irvin Alber	Messenger	1.50
Ben. E. Seeley	Messenger	1.50
Markus Finkelberg	Messenger	1.50
Leonard Donahue	Messenger	1.50

CUSTODIAN'S EXTRA EMPLOYEES.

Name.	Office.	Per Diem.
Ed. Sunberg	Janitor	\$2.00
H. T. Irwin	Janitor	2.00

Henry Stewart	Janitor	2.00
Ream Johnson	Janitor	2.00
Mr. Ross	Janitor	2.00
George Inlow	Janitor	2.00
John Burns	Janitor	2.00
Homer Jones	Janitor	2.00
W. J. Hamilton	Janitor	2.00
C. H. Turbett	Elevator Tender	2.00
Herbert McGarraugh	Elevator Tender	2.00
H. D. Baker	Elevator Tender	2.00

WHEREAS, We all know that as helpful and as effective legislation will be enacted by this General Assembly if we adjourn twenty days earlier than the customary 9th or 10th of April; and

WHEREAS, This twenty days earlier adjournment would not only mean a saving to the Iowa taxpayers of from \$14,000 to \$16,000 or more, but would also be a source of satisfaction to the people of the state generally;

Therefore be it Resolved by the Senate, the House Concurring, That the Thirty-third General Assembly adjourn sine die on or before the 20th day of March, 1909.

Senator Saunders moved that the further reading of the resolution relative to the pay roll be dispensed with.

Carried.

Senator Saunders moved that the Concurrent Resolution be laid on the table.

Carried.

HOUSE MESSAGE CONSIDERED

House Joint Resolution No. 2, a bill for an act providing and empowering the Regents and Trustees of the State Educational Boards to admission to the rights and privileges of the Carnegie Fund.

HOUSE JOINT RESOLUTION NO. 2.

House Joint Resolution Providing for and Empowering the Board of Regents of the State University, the Trustees of the Iowa State College of Agriculture and Mechanic Arts and the Trustees of the Iowa State Normal School to Make Application for the Admission of these State Institutions to the Rights and Privileges of the Carnegie Foundation for the Advancement of Teaching and to Receive the Same.

Be it Resolved by the General Assembly of the State of Iowa:

That the board of regents of the State University, trustees of the Iowa State College of Agriculture and Mechanic Arts, and the Trustees of the Iowa State Normal School be and the same are hereby empowered to make application for and receive for the benefit of teachers of their respective institutions the rights and privileges of the Carnegie foundation for the advancement of teaching.

The Joint Resolution was read first and second time.

Senator Smith of Des Moines moved that the rule by which no bill be read a second and third time on the same day be suspended.

Carried.

The Joint Resolution was read a third time.

Senator Smith of Des Moines moved that the rules be suspended and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—49.

The nays were:

None.

Absent or not voting:

Senator Smith of Mitchell—1.

So the Joint Resolution, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Chapman moved that a committee of three be appointed to prepare suitable resolutions commemorative of the life, character and public services of the late John Russell.

Carried.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 44, a bill for an act making appropriation for the purchase of twenty thousand (20,000) copies of the Railroad Commis-

sioner's official maps to be distributed by the members of the General Assembly and Railroad Commissioners, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 43, a bill for an act making an appropriation to pay the additional employes of the Thirty-third General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Senator Jas. E. Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 48, a bill for an act to amend Section sixteen hundred and sixty-one-a (1661-a) of the supplement of the code relative to state aid to county and district fairs, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the words and figures "nineteen hundred and seven (1907)" be inserted following the word "the" in the second line of the title, and also following the word "the" in the second line of section one and before the word "supplement" and that the word "of" following the word "supplement" in the second line of the title be stricken out and the word "to" be inserted in lieu thereof, and when so amended the bill do pass.

JAS. E. BRUCE,
Secretary.

Ordered passed on file.

Senator Nichols moved that Senate File No. 48 be referred to the Committee on Appropriations, which motion prevailed and the bill was referred to the Committee on Appropriations.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 67, a bill for an act to amend Section Fifty-four Hundred Forty-eight (5448) of the Code relating to the time in which an appeal may be taken from the final judgment in criminal cases, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1, by striking out the word "four" at the end of the third line thereof, and inserting in lieu thereof the word "six."

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 65, a bill for an act to repeal the law as it appears in Section Two Hundred Thirty-two (232) of the 1907 Supplement to the Code and enact a substitute therefor, relating to the schedule of times for holding terms of court, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title to the bill by striking out the figures "1907" as they appear in the second line thereof, and by inserting after the word "Code" in the said second line, the figures "1907."

Amend Section One by striking out the figures "1907" as they appear in the second line of said section, and by inserting after the word "Code" in said line the figures "1907," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 7, a bill for an act to repeal Sections Four Hundred Ninety-nine (499) and Five Hundred Two (502) of the Code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By adding after Section 4, Sections 5 and 6, to-wit:

SEC. 5. The sheriff shall whenever directed so to do in writing by the County Attorney, make special investigation of any alleged infraction of the law within his county, and report with reference thereto within a reasonable time to such county attorney.

SEC. 6. The Board of Supervisors shall allow the sheriff his reasonable expenses incurred in ferretting out crime and in investigating offenses within his county, of which he shall file sworn itemized account and receipts.

Amend by renumbering Section 5 of the original bill as Section 7, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 55, a bill for an act to amend Section 2570-a of the Code Supplement of 1907, relating to the care of persons infected with contagious disease, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Public Health.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Public Health.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 73, a bill for an act limiting recovery for newspapers, magazines and other publications to actual subscribers, and to their terms of subscription therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 49, a bill for an act to amend Section Fifty-four Hundred and Thirty-eight (5438) of the Code of 1897, relating to the granting of a new trial and arrest of judgment in criminal cases, beg leave to report they have had the same under consideration and recommended the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 47, a bill for an act repealing Section Fifty-four Hundred and Sixty-two (5462) of the Code of 1897, relating to reversals by the Supreme Court upon appeal thereto in criminal cases, and providing a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Gilliland moved that the Secretary of the Senate be instructed to prepare a calendar.

Carried.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate File No. 43, a bill for an act making an appropriation to pay the additional employes of the Thirty-third General Assembly, was taken up and considered, and the report of the committee was adopted.

Senator Maytag moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—49.

The nays were:

None.

Absent or not voting:

Senator McCulloch—1.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 44, a bill for an act making appropriations for the purchase of twenty thousand (20,000) copies of the Railroad Commissioners official maps to be distributed by the members of the General Assembly and Railroad Commissioners, with report of committee recommending passage, was taken up, considered, and the report of the committee was adopted.

Senator Maytag moved the the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—49.

The nays were:

None.

Absent or not voting.

Senator Sammis—1.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Bruce (by request), Senate File No. 93, a bill for an act to repeal the law as it appears in Section Sixteen Hundred Fifty-seven-q (1657-q) of the Supplement to the Code and to enact a substitute therefor, relating to the auditing of accounts of the Department of Agriculture.

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

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

Senator Mattes moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 28, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Joseph J. Ehrstein of Jefferson, Iowa.

On request of Senator Peterson, leave of absence was granted Senator Smith of Mitchell for the day on account of sickness.

On request of Senator Mattes, leave of absence was granted Senator Whipple until tomorrow.

PETITIONS AND MEMORIALS.

Senator Taylor presented petition from the Iowa State Grange, asking the enactment of a law for the protection of quails.

Referred to Committee on Fish and Game.

Senator Van Law presented petition from attorneys of the Thirteenth Judicial District, asking the passage of the law for the increase in compensation of court reporters.

Referred to Committee on Compensation of Public Officers.

INTRODUCTION OF BILLS.

By Senator Adams (by request), Senate File No. 94, a bill for an act to amend Section Two Hundred Sixty (260) of the Code, to amend Section Two Hundred and Sixty-one (261) of the Supplement to the Code, (1907), to repeal Two Hundred Seventy-three (273) and Section Two Hundred and Seventy-five (275) of the Code and enact substitutes therefor.

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

By Senator McCulloch, Senate File No. 95, a bill for an act to amend Section Seventeen Hundred and Nine (1709) of the Supplement to the Code, relative to insurance other than life.

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

By Senator Adams (by request), Senate File No. 96, a bill for an act to amend Section 4024 of the Supplement to the Code 1907, relating to posting and publication of notices of sale under execution.

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

By Senator Stuckslager, Senate File No. 97, a bill for an act to amend the law as it appears in Section Two Hundred and Ninety-seven (297) of the Code, relating to the compensation of Clerks of the District Court.

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

By Senator Stuckslager, Senate File No. 98, a bill for an act for the relief of the grantees O. J. Felton, and for the purpose of having a patent issued in the name of Thos. Wilmont for a certain tract of land of Iowa.

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

By Senator De Wolf, Senate File No. 99, a bill for an act to amend the law as it appears in Section Twenty-six Hundred and Seventy-five (2675) of the Code 1907, by providing an official name for the State Normal School at Cedar Falls.

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

Senator De Wolf offered the following motion and moved its adoption:

I move to reconsider the vote by which House Joint Resolution No. 2 passed the Senate.

Carried.

Senator De Wolf moved to reconsider the vote by which House Joint Resolution No. 2, passed to its third reading.

Carried.

THIRD READING OF BILLS.

House Joint Resolution No. 2, providing for and empowering the Board of Regents of the State University, the Trustees of the Iowa State College of Agriculture and Mechanic Arts and the Trustees of the Iowa State Normal School to make application for the admission of these state institutions to the rights and privileges of the Carnegie Foundation for the Advancement of Teaching and to receive the same, was taken up and considered.

Senator De Wolf offered the following amendment and moved its adoption:

Amend by striking out the words, "Iowa State Normal School," and by inserting in lieu thereof the following, "State Teachers College at Cedar Falls."

By unanimous consent further consideration of the Joint Resolution was postponed.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 100, a bill for an act amending Section Seven Hundred and Forty-six (746) of the Supplement to the Code relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.

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

By Senator Saunders, Senate File No. 101, a bill for an act to change the name and official title of the various poor farms of the State of Iowa.

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

By Senator Saunders, Senate File No. 102, a bill for an act to amend Section Three Hundred and Eight (308) of the Supplement to the Code, relating to the compensation of county attorneys.

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

By Senator Chapman, Senate File No. 103, a bill for an act to amend Section Two Thousand Five Hundred and Ninety-four

(2594) of the Code, relating to the licensing of itinerant vendors of drugs.

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

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 37, a bill for an act to repeal Section Thirteen Hundred Sixty-six (1366) of the Code and enact a substitute therefor relative to assessment rolls, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend Section 1, by adding after the figures "1366" in the second line thereof, the words "of the Code."

Amend Section 1, by striking out the words and figures "twentieth (20) day of April," appearing in the 14th and 15th lines of said section, and inserting in lieu thereof, the words and figures "tenth (10) day of May."

Amend Section 2, by striking out the word "Daily" in the fourth line thereof, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 21, a bill for an act requiring that all bonds required to be given in any judicial proceeding shall contain a contract for the payment of attorney's fees and providing for their collection, beg leave to report that they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 50, a bill for an act to legalize the action and proceedings of the City Council of the City of Manchester, relative to the boundary line and extent of the limits of said city, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 50.

A Bill for an Act to Legalize the Action and Proceedings of the City Council of the City of Manchester, Relative to the Boundary Line and Extent of the Limits of said City.

WHEREAS, On the fourth day of November, 1878, in pursuance of law, an election was held in the town of Manchester, Iowa, to determine whether the limits of said town should be extended, and

WHEREAS, The notice for such election properly described the lands within the limits of said town, as it was proposed to be extended, but erroneously described the boundary line thereof, and

WHEREAS, At said election a majority of the qualified electors voted in favor of such extension of the town limits, and

WHEREAS, The mayor of said town, on the sixth (6) day of November, 1878, issued a proclamation declaring the extension of the limits of said town, as a result of said election, and defining the boundary thereof which was also incorporated in ordinance number fifty-eight (58) of said town, and later incorporated in ordinance number one hundred (100), which ordinances were duly passed by the council of said town, and

WHEREAS, Said proclamation and ordinances of said town numbered fifty-eight (58) and one hundred (100), erroneously describe the boundary lines of said town as extended, whereby the place of beginning and the place of ending of said boundary line is not the same point, and

WHEREAS, The said town of Manchester, Iowa, has since by operation of law, become a city of the second class, and

WHEREAS, The city council of the city of Manchester, Iowa, did on the 24th day of September, 1908, pass an ordinance, numbered one hundred and seventy-two (172), amending ordinance number one hundred (100), thereby correctly defining the boundary lines of said city, to correspond with a description of the land included within the proposed extended limits, as set out in the notice of election, heretofore mentioned, and

WHEREAS, The boundary lines of the town as extended and adopted by a majority vote of the qualified electors in said town, and the territory included by said extension should have read as follows, to-wit: Commencing at the southeast corner of section thirty (30), township eighty-nine (89) north, of range five (5) west of the fifth P. M. in Delaware County, Iowa, running thence west on the line between sections thirty (30) and thirty-one (31) in said township, fourteen (14) chains, thence south along the west line of lots five hundred and forty-one (541), five hundred and forty-two (542), six hundred and two (602), six hundred and three (603), six hundred and ninety-two (692), six hundred and ninety-three (693), seven hundred and forty-seven (747), seven hundred and forty-eight (748) and eight hundred and one (801) to the south line of the Dubuque and Sioux City Railroad Company grounds, thence in a northeasterly direction along said south line of said railroad company's grounds to the line between sections thirty-one (31) and thirty-two (32) in said township; thence south along said section line to the southwest corner of the northeast quarter of the southwest quarter of section thirty-two (32), thence east to the southeast corner of the north half of the southwest quarter of section thirty-three (33), thence north on the quarter section line through the north three-fourths of said section thirty-three (33) to the quarter section corner between sections twenty-eight (28) and thirty-three (33), thence continuing north to the northeast corner of the south half of the southwest quarter of section twenty-one (21), thence west along the forty-acre lines to the section line at the northwest corner of the

southwest quarter of the southwest quarter of section twenty (20), thence south on the said section line to the place of beginning, and

WHEREAS, Doubts have arisen as to the legality of said election, extending the limits of the town (now city) of Manchester, Iowa, on account of the erroneous description of the boundary line in notice of election, proclamation of the mayor and ordinances number fifty-eight (58) and one hundred (100), passed by the town council defining same; and the authority of the city council of the city of Manchester, Iowa, to correct such erroneous description, by the passage of ordinance number one hundred and seventy-two (172) on the 24th day of September, 1908, therefore

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That all acts done and proceedings had by the city council of the city of Manchester, Iowa, in the passage of ordinance number one hundred and seventy-two (172), of said city, establishing and defining the boundary lines and the corporate limits of said city, are hereby legalized and declared valid and binding. This act shall in no way effect pending litigation. and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time.

Passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 70, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code 1907 relating to the County Road Fund, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

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

MR. PRESIDENT—Your committee on Military, to whom was referred Senate File No. 11, a bill for an act to amend Section Four Hundred and Thirty-three (433) of the Supplement of 1907 to the Code relating to the burial of indigent soldiers and sailors, have had the same under consideration and instructed me to report the same back to the Senate with the recommendation that the bill do pass.

J. D. BROWN,
Chairman.

Ordered passed on file.

Senator De Wolf offered the following resolution and moved its adoption:

Be it Resolved by the Senate, That an invitation is hereby extended to the Hon. John Z. White to address this body on Friday, January 29, 1909, at 3 o'clock P. M.

Adopted.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late John Russell: Senators Chapman, Foley and Burgess.

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 67, a bill for an act to amend Section Fifty-four Hundred and Forty-eight (5448) of the Code, relating to the time in which an appeal may be taken from the final judgment in criminal cases with report of committee recommending amendments and passage, was taken up, and the report of the committee adopted.

Senator Cosson moved the adoption of the following amendment:

Amend Section 1, by striking out the word "four" at the end of the third line thereof, and inserting in lieu thereof the word "six."

Adopted.

The bill as amended was read for information.

Senator Saunders moved the adoption of the following amendment:

Move to amend by adding as "Section 2. The provision of this act shall not affect any case in which judgment has been entered in the district court, prior to the taking effect of this act."

Adopted.

The bill as amended was read for information.

Senator Cosson moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Fran-

eis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senators Smith of Mitchell, Whipple—2.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 65, a bill for an act to repeal the law as it appears in Section Two Hundred Thirty-two (232) of the 1907 Supplement to the Code and enact a substitute therefor, relating to the schedule of times of holding terms of court, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendment:

Amend Section One by striking out the figures "1907" as they appear in the second line of said section, and by inserting after the word "Code," in said line the figures "1907."

Adopted.

The bill was read for information.

Senator Saunders moved that the rule be suspended, 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 ayes were:

Senators Allen of Pochahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson,

Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Adams, Hoyt, Moon, Smith of Des Moines, Smith of Mitchell, Whipple—6.

Senator Saunders moved the adoption of the following amendment to the title to the bill:

Amend the title to the bill by striking out the figures "1907," as they appear in the second line thereof, and by inserting after the word "Code," in the said second line the figures "1907."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Cosson, Senate File No. 7, a bill for an act to repeal Sections Four Hundred Ninety-nine (499) and Five Hundred Two (502) of the Code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Cosson moved the adoption of the following amendments:

By adding after Section 4, Sections 5 and 6 to-wit:

Sec. 5. The sheriff shall whenever directed so to do in writing by the County Attorney, make special investigation of any alleged infraction of the law within his county, and report with reference thereto within a reasonable time to such County Attorney.

Sec. 6. The Board of Supervisors shall allow the sheriff his reasonable expenses incurred in ferreting out crime and investigating offenses within his county, of which he shall file sworn itemized account and receipts.

Amend by renumbering Section 5 of the original bill as Section 7.

Adopted.

The bill as amended, was read for information.

Senator Gilliland moved that further consideration of the bill be postponed until tomorrow.

Carried.

On motion of Senator Allen of Van Buren, Senate File No. 11, a bill for an act to amend Section Four Hundred and Thirty-three (433) of the Supplement of 1907 to the Code, relating to the burial of indigent soldiers and sailors, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Van Buren moved the adoption of the following amendments:

Strike out the word "of" and the figures "1907" in line two of the printed bill, and immediately after the word "Code" in the same line, add the figures "1907."

Also strike out "cost of burial" in first line of the printed bill.

Also strike out the words "in effect" in the first line of Section 2.

Adopted.

Senator Allen of Van Buren moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, White, Whiting, Wilson.—47.

The nays were:

None.

Absent or not voting :

Smith of Mitchell, Taylor, Whipple—3.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

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

Senator Bennett moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 29, A. D. 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. Pearson, of Brooklyn, Iowa.

On request of Senator Wilson, leave of absence was granted Senator Nichols until tomorrow.

On request of Senator Brown, leave of absence was granted Senator Burgess on account of sickness until tomorrow.

On request of Senator Hammill, leave of absence was granted Senator Gates until tomorrow.

PETITIONS AND MEMORIALS.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa (Lyon County) favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Francis presented remonstrance from citizens of Emmetsburg, Iowa, protesting against the passage of the bill introduced by Senator Allen, relative to the protection of quail.

Referred to Committee on Fish and Game.

Senator Hammill presented petition asking an amendment to the law relative to the tenure of office of county officials.

Referred to Committee on Elections.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa, Plymouth County, favor-

ing the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and residents of the Fourth Judicial District of Iowa (Osceola County) favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and residents of the Fourth Judicial District of Iowa (Monona County), favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa (Sioux County), favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa (O'Brien County) favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa (Cherokee County), favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Sammis presented petition from attorneys and citizens of the Fourth Judicial District of Iowa (Woodbury County), favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

INTRODUCTION OF BILLS.

By Senator Seeley, Senate File No. 104, a bill for an act amending Section 1400 of the Code of 1897, fixing the time when taxes on personal property become a lien thereon.

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

By Senator Cosson, Senate File No. 105, a bill for an act to amend the law as it appears in Section Five Thousand and Twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities.

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

By Senator Moon, Senate File No. 106, a bill for an act repealing Section Six Hundred Seventy-four (674) of the Code, and enacting a substitute therefor, relating to compensation of assessors in cities of over fifteen thousand and less than sixty thousand.

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

By Senator Francis, Senate File No. 107, a bill for an act dividing the state into districts, establishing Agriculture and Manual Training schools therein, providing for the management, control and operation thereof, establishing courses of study therein, and making provision for the support thereof.

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

By Senator Peterson, Senate File No. 108, a bill for an act to amend the law as it appears in Section Eleven Hundred and Six (1106) of the Supplement to the Code 1907, relating to election ballots.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 25, a bill for an act repealing Chapter 240 of the Acts of the Thirty-second General Assembly relating to the sale of the abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property.

C. R. BENEDICT,
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. 28, a bill for an act to amend Section One, Chapter Five, of the Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa.

C. R. BENEDICT,
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. 34, a bill for an act to amend the law as it appears in Section 2604 of the Supplement to the Code 1907, relative to the perquisites of officers of the Iowa Soldiers' Home.

C. R. BENEDICT,
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. 11, a bill for an act to repeal Section 3268 of the Code relative to the time and manner of examination of bonds of guardians, executors, administrators and trustees, by clerk of the district court, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Senator Stuckslager offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring, That a joint standing committee be appointed, consisting of six members, three of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House, to visit State Institutions at such times as it may be deemed necessary by the Appropriations Committees of the Senate and House.

It shall be the duty of said committee after making a visit to any state institution, to submit reports to the Senate and House within five days after their return.

By unanimous consent the Concurrent Resolution was taken up for consideration.

Senator Proudfoot offered the following amendment and moved its adoption:

I move to amend by making the committee consist of two members from the House and one from the Senate.

Senator Bruce offered the following substitute for the Concurrent Resolution and amendment, and moved its adoption:

Resolved, That a special committee of five shall be appointed by the President of the Senate and Speaker of the House, two from the Senate and three from the House, three republicans and two democrats, whose duty it shall be, on request of the Appropriations Committee of this General Assembly or on their own motion, to visit, inspect and investigate the affairs, business and management of any state institution or board or management of the state or any institution of the state and make a full report to this General Assembly of their findings.

Senator Bruce moved that the further consideration of the Resolution be postponed until next Tuesday morning at 11 o'clock A. M., and that it be made a Special Order for that time.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Balkema, Bennett, Bruce, Cosson, Dowell, Hammill, Hunter, Mattes, Peterson, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—17.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Chapman, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gilliland, Hoyt, Larrabee, McCulloch, Maytag, Moon, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Stuckslager, Whipple—26.

Absent or not voting:

Senators Burgess, Clark, Frudden, Gates, Jamieson, McManus, Nichols—7.

So the motion to postpone was lost.

Senator McManus moved the previous question on the substitute.

Carried.

On the adoption of the substitute a roll call was demanded.

Those favoring the adoption of the substitute were:

Senators Bruce, Fitchpatrick, Parshall; Seeley, Taylor, Whiting, Wilson—7.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clarkson, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple—34.

Absent or not voting:

Senators Burgess, Clark, Dowell, Gates, Jamieson, McManus, Nichols, Smith of Des Moines, White—9.

So the substitute was lost.

By consent the amendment offered by Senator Proudfoot was withdrawn.

Senator Proudfoot offered the following amendment and moved its adoption.

I move to amend the resolution by adding thereto, following the word "House," in line six thereof, the following: "and said joint appropriation committee may in their judgment direct the whole committee or any member thereof, to visit any institution from which they may desire information."

Adopted.

Senator Allen of Pocahontas, offered the following substitute for the Concurrent Resolution and moved its adoption:

Resolved by the Senate, the House Concurring, That a committee of three, consisting of one from the Senate appointed by the President of the Senate and two from the House appointed by the Speaker of the House, be appointed to visit the educational institutions and a similar committee be appointed to visit the institutions under the board of control; said committees to be sent out at the option of the Appropriation Committee and at such times as the Appropriation Committee shall direct.

Said committees are hereby directed to report within five days from the time they are requested to make the visit.

Senator Proudfoot raised the point of order that the same question embodied in the substitute was previously settled by the Senate and the substitute was not in order.

The Chair ruled the point of order not well taken because a new subject was raised by the substitute.

On the adoption of the substitute a roll call was demanded.

Those favoring the adoption of the substitute were:

Senators Allen of Pocahontas, Bennett, Clarkson, Cosson, Foley, Larrabee, McManus, Mattes, Parshall, Quigley, Seeley, Whiting—11.

The nays were:

Senators Allen of Van Buren, Balkema, Brown, Bruce, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Maytag, Moon, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—31.

Absent or not voting:

Senators Adams, Burgess, Chapman, Clark, Gates, Jamieson, McManus, Nichols—8.

So the substitute was lost.

Senator Stuckslager moved the adoption of the Concurrent Resolution as amended.

On the adoption of the Concurrent Resolution a roll call was demanded.

Those favoring the adoption of the Concurrent Resolution were:

Senators Adams, Allen of Van Buren, Brown, Chapman, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Larrabee, McCulloch, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple—28.

The nays were:

Senators Allen of Pocahontas, Balkema, Bennett, Bruce, Cosson, Hammill, Hoyt, Hunter, Mattes, Sammis, Taylor, Van Law, White, Whiting, Wilson—15.

Absent or not voting:

Senators Burgess, Clark, Foley, Gates, Jamieson, McManus, Nichols—7.

So the Concurrent Resolution was adopted.

HOUSE MESSAGES CONSIDERED.

Senate File No. 25, a bill for an act repealing Chapter 240 of the Acts of the Thirty-second General Assembly relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the City of Ottumwa.

Passed on file.

Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property.

Passed on file.

House File No. 28, a bill for an act to amend Section One, Chapter Five, of the Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa.

Read first and second time.

Passed on file.

House File No. 34, a bill for an act to amend the law as it appears in Section 2604 of the Supplement to the Code 1907, relative to the perquisites of officers of the Iowa Soldiers Home.

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

House File No. 11, a bill for an act to repeal Section 3268 of the Code, relative to the time and manner of examination of bonds, of guardians, executors, administrators and trustees, by Clerk of the District Court and to enact a substitute therefor.

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

THIRD READING OF BILLS.

On motion of Senator White, House File No. 28, a bill for an act to amend Section One, Chapter Five, of the Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of

power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa, was taken up, and considered.

Senator White moved that the rules by which no bill be read a second and third time on the same day be suspended.

Carried.

The bill was read for information.

Senator Saunders moved that the bill be referred to the Committee on Judiciary.

Carried.

On motion of Senator Proudfoot, Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property, was taken up and considered.

Senator Proudfoot moved that the Senate concur in the following House amendments:

Insert after the word "judge" in the next to the last line in Section One the following "or Clerk of the District Court in vacation."

Strike out Section 2, Publication Clause.

On the question, "Shall the Senate concur?"

The ayes were:

None.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—41.

Absent or not voting:

Senators Burgess, Clark, Gates, Jamieson, Maytag, McManus, Moon, Nichols, Stuckslager,—9.

So the Senate refused to concur in the House amendments.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 109, a bill for an act authorizing the extension of the Traveling Library and other activities of the Iowa Library Commission, and providing additional funds therefor.

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

By Senator Whipple, Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind.

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

By Senator Seeley, Senate File No. 111, a bill for an act to amend Section 1385-b of the Supplement to the Code of 1907, and to provide for the assessment of different portions of a tract of real estate when the same has been sold subsequent to the biennial assessment of the same.

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

By Senator Seeley, Senate File No. 112, a bill for an act to amend Section 295 of the Code, relative to certifying chains of title to county auditors.

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

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 28.

A Bill for an Act to Provide for the Payment of a Bounty for the Destruction of Rattlesnakes.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That there shall be paid from the general fund of the county, a bounty of fifty cents for each rattlesnake caught and killed within the county; provided, that the person entitled to such bounty shall make, as hereinafter provided, proof of the capture and killing of said snake within thirty days after the same was killed.

SEC. 2. That the person catching and killing any rattlesnake shall cut off and present to the county auditor or other officer before whom he makes proof, at least two inches of the tail of the rattlesnake with the rattles still attached thereto, and shall make written affidavit that each and every rattlesnake for which he claims bounty was caught and killed within the county where he is claiming bounty.

SEC. 3. That the tail with rattles attached, described in section two (2) hereof, with the proofs required, may be presented to the county auditor or to other officers in the county designated by the board of supervisors, who shall see that the rattles are detached and the piece of tail destroyed. The rattles may be returned to the claimants, and that when so amended the bill do pass.

JAMES E. BRUCE,
Chairman.

Substitute was read first and second time.

Passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 75, a bill for an act to repeal Sections Sixteen (16), Seventeen (17) and Twenty (20) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appear on page four (4) of the prefix to the Code, and enact substitutes therefor; to repeal Sections Eighteen (18) and Nineteen (19) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter One (1) of the Acts of the Thirty-first General Assembly, and as same appear on page five (5) of the prefix to the 1907 Supplement to the Code, and enact substitutes therefor; and to repeal Sections Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45) and Forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the codes and session laws, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 63, a bill for an act making it the duty of all persons operating vessels propelled by machinery to carry lights during certain hours, providing rules for action upon meeting other vessels, and fixing penalty for violation, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO 63.

A Bill for an Act Making it the Duty of all Persons and Companies Operating any Vessel Propelled by Machinery or Through the Medium of Sails, to Carry a Light During Certain Hours, and Otherwise Regulating Operation of Same and Fixing a Penalty for Violation.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The person or company operating any boat, launch or other vessel propelled by machinery, or through the means of sails upon the public waters of the state of Iowa between the hours of thirty minutes after sunset and thirty minutes before sunrise shall cause the same to carry at the bow thereof, properly lighted, operated and conspicuously displayed, a head-light, the lens or mirror of which shall be not less than five inches in diameter.

SEC. 2. All such vessels operated by machinery having a speed exceeding ten miles per hour shall be equipped with reverse gear, reversible propeller or other adequate means for prompt stoppage and reversal thereof.

SEC. 3. All such vessels when passing through a draw or bridge or beneath same shall slow down to a speed of not more than four miles per hour.

SEC. 4. Any person or company violating any of the provisions of this act shall be guilty of a misdemeanor, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

The substitute was read first and second time.

Passed on file.

Senator Allen of Pocahontas moved that the time for adjournment be extended fifteen minutes.

Carried.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 79, a bill for an act to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the Council relating to such water-works, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding to said section, the following words: "This act shall in no wise effect pending litigation," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 6, a bill for an act to repeal Sections Three Hundred One (301), Three Hundred Two (302), Three Hundred Five (305), Three

Hundred Six (306) and Three Hundred Seven (307) of the Code, relating to the duties and limitations of the county attorney, and to enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 6.

A Bill for an Act to Repeal Sections Three Hundred One (301), Three Hundred Two (302), Three Hundred Six (306) and Three Hundred Seven (307) of the Code, Relating to the Duties of the County Attorney, and to Enact Substitutes Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred seven (307) of the Code be, and the same are hereby, repealed, and the following enacted in lieu thereof:

SEC. 2. It shall be the duty of the county attorney:

1. Diligently to enforce, or cause to be enforced in his county, all of the laws of the state, actions for a violation of which may be commenced or prosecuted in the name of the state of Iowa, or by him as county attorney, except such laws, the enforcement of which is specifically enjoined upon others by statute.

2. To appear for the state and county in all cases and proceedings in the courts of his county, to which the state or county is a party, and in the supreme court in all cases in which the county is a party.

3. To appear and prosecute all preliminary hearings before justices of the peace upon charges triable upon indictment.

4. To appear and prosecute misdemeanors before justices of the peace whenever he is not otherwise engaged in the performance of official duties.

5. To enforce all forfeited bonds and recognizances, and to prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the state or his county, or to any school district or road district in his county; also to prosecute all suits in his county against public service corporations which are brought in the name of the state of Iowa.

6. To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.

7. To give advice or his opinion in writing, without compensation, to the board of supervisors and other county officers when requested so to do by such board or officer, upon all matters in which the state or county is interested, or relating to the duty of the board or officer in which the state or county may have an interest; but he shall not appear before the board of supervisors in the trial of any cause in which the state or county is not interested, or in applications to establish, vacate or alter highways.

8. To attend the grand jury whenever necessary for the purpose of examining witnesses before it, or of giving it legal advice, or to procure subpoenas or other process for witnesses, to prepare all bills of indictment; but he must not be present when an indictment is considered or found.

9. To give a receipt to all persons from whom he shall receive money in his official capacity, and file a duplicate thereof with the county auditor.

10. To promptly notify the attorney general of every criminal case appealed from his county to the supreme court, and when the appeal is taken by the state, at least forty (40) days prior to the term at which the cause is to be heard, prepare and deliver to the attorney general a typewritten manuscript of the abstract of the case; and when the appeal is taken by the defendant, he shall prepare and deliver to the attorney general when necessary a typewritten manuscript of the amended abstract of the case in ample time to have the same printed and filed within the time prescribed by the rules of the supreme court; said manuscript of the abstract or amended abstract shall be in the form and manner prescribed by law, and the rules of the supreme court.

11. To appear at the state capitol, whenever in the opinion of the attorney general it is necessary, for the purpose of conferring with the attorney general in relation to the duties of the county attorney, or to prepare or present argument in the supreme court in any case appealed from his county in which the state is a party.

12. To make reports relating to the duties and the administration of his office to the governor or the attorney general whenever called upon by the governor or the attorney general so to do.

13. To perform such other and further duties as are now or may hereafter be enjoined upon him by law.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time.

Passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 99, a bill for an act to amend the law as it appears in Section Twenty-six Hundred and Seventy-five (2675) of the Code, 1907, by providing an official name for the state normal school at Cedar Falls, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Educational Institutions.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Educational Institutions.

Senator Dowell, from the Committee on Judiciary, submitted 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 Fifteen Hundred and Thirty (1530) of the Code Supplement by providing for the delivery of so much of the road fund tax as is collected from the property within the incorporation limits of any city or town to the treasurer of said city or town, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 94, a bill for an act to amend Section Two Hundred Sixty (260) of the Code, to amend Section Two Hundred Sixty-one (261) of the Supplement to the Code 1907, to repeal Section Two Hundred Seventy-three (273) and Section Two Hundred Seventy-five (275) of the Code and enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 96, a bill for an act amending Section 4024 of the Supplement to the Code 1907, relating to posting and publication of notices of sale under execution, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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

Senator Francis moved that the Senate do now adjourn until 3:00 o'clock, P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 3:00 o'clock P. M., President Clarke presiding.

Senator Smith of Mitchell, moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 30, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Alfred T. Bishop of Iowa Falls, Iowa.

On request of Senator Maytag, leave of absence was granted Senator Mattes until Monday.

On request of Senator Cosson, leave of absence was granted Senator Van Law until Monday.

On request of Senator De Armand, leave of absence was granted Senator De Wolf until Monday.

On request Senator Clarkson was granted leave of absence until Wednesday morning.

PETITIONS AND MEMORIALS.

Senator Francis presented petition from attorneys of the Fourteenth Judicial District of Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

INTRODUCTION OF BILLS.

By Senator Peterson, Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27) of the Supplement to the Code, 1907, and to repeal the law

as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15) and Ten Hundred Eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and to enact substitutes therefor, relating to the holding of primary elections by political parties.

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House Concurrent Resolution relative to the printing and distribution of the rules of the Thirty-third General Assembly.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 7, a bill for an act to repeal Sections Four Hundred Ninety-nine (499) and Five Hundred Two (502) of the Code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor, was taken up and considered.

Senator Gilliland offered the following amendment and moved its adoption:

Amend by renumbering Section 7 as Section 8, and inserting the following as Section 7:

Section 7. Nothing in this act shall be so construed as to relieve any peace officers from the full and faithful discharge of all the duties now or hereafter enjoined upon him by law.

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by substituting the following for Section 6:

Section 6. The Board of Supervisors shall allow the sheriff his reasonable and necessary expenses incurred in ferretting out crime and investigating offenses committed within his county of which he shall file sworn itemized account.

Adopted.

The bill as amended was read for information.

Senator Cosson moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Clark, De Armand, De Wolf, Foley, Gates, Jamieson, Mattes, Nichols, Smith of Des Moines, Stuckslager, Van Law—11.

Senator Francis offered the following amendment to the title of the bill:

I move to amend the title by inserting between the words, "deputy" and "and" the words "and to provide for the payment of certain expenses."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Smith of Mitchell, Senate File No. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the state against persons, partnerships, corporations or associations, with report of committee recommending passage, was taken up, considered and the report adopted.

The bill was read for information.

Senator Smith of Mitchell moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gillilland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Clark, De Wolf, Gates, Jamieson, Mattes, Nichols, Stuckslager, Van Law—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 Hoyt, Senate File No. 50, a bill for an act to legalize the action and proceedings of the City Council of the City of Manchester, relative to the boundary line and extent of the limits of said city, with report of committee recommending passage as amended by substitute, was taken up, considered, and the report of the committee adopted.

Senator Hoyt moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Hoyt moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gillilland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Parshall,

Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Chapman, Clark, De Wolf, Gates, Jamieson, Mattes, Nichols, Van Law—9.

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

House Concurrent Resolution relative to the adoption of the joint rules herewith submitted as reported by the Joint Committee on Rules.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Hunter, Senate File No. 70, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code 1907, relating to the County Road Fund, with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by adding to Section 1, the following:

“But at least one-half of such fund shall be expended upon the roads leading into said town or city and outside the corporate limits thereof.”

The amendment was lost.

Senator Hunter moved that further consideration of the bill be postponed and that it be made a Special Order for Wednesday at 10:30 o'clock, A. M.

Carried.

Senator Larrabee filed the following motion:

I move a reconsideration of the vote on concurrent resolution authorizing a visiting committee for state institutions.

FREDERIC LARRABEE.

On motion of Senator Quigley, Senate File No. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes, with report of the committee recommending passage as amended by substitute, was taken up, considered, and the report of the committee adopted.

Substitute was read for information.

Senator Quigley moved that the substitute be substituted for the original bill.

Carried.

Senator Parshall offered the following amendment:

Amend Section One of the bill by adopting the following in lieu thereof.

Section 1. That whenever in the judgment of the Board of Supervisors of any county in the state, the public health and welfare of the citizens of its county demands, there shall be paid from the general fund of the county a bounty of fifty cents for each rattlesnake caught and killed within the county; provided, that the person entitled to such bounty shall make as hereinafter provided, proof of the capture and killing of said snake within thirty days after the same was killed.

Adopted.

Senator Quigley moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, De Armand, Foley, Francis, Frudden, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, White, Whiting, Wilson—34.

The nays were :

Senators Dowell, Hammill, Maytag, Sammis, Savage, Whipple—6.

Absent or not voting :

Senators Clark, De Wolf, Fitchpatrick, Gates, Jamieson, Mattes, Nichols, Stuckslager, Saunders, Van Law—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

• Senator Smith of Mitchell, 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. 3, a bill for an act to repeal the law as it appears in Section Fourteen Hundred Fifty-seven (1457) of the Supplement to the Code, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds, beg leave to report they have had the same under consideration and recommend the same be amended as follows :

Amend Section 1 by striking out the semi-colon after the word "month" in line 12 of such section and inserting in lieu thereof a comma and the words "which shall accrue to the benefit of the general county fund;"

Also by inserting the figures "1907" after the word "Code" in line 2 of the title and in line 2 of Section 1, and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 114, a bill for an act to amend Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemption.

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

By Senator Sammis, Senate File No. 115, a bill for an act providing limitations for the commencement of actions relative to real property, additional to Chapter Two (2), Title Eighteen (18), of the Code, but not amendatory thereto.

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

By Senator Larrabee (by request), Senate File No. 116, a bill for an act authorizing the Secretary of State to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold.

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

HOUSE MESSAGE CONSIDERED.

House Concurrent Resolution, relative to the printing and distribution of the Rules of the Thirty-third General Assembly.

HOUSE CONCURRENT RESOLUTION.

Relative to Publishing the Rules of the Thirty-third General Assembly.
Resolved by the House, the Senate Concurring, That the Clerk of the House and the Secretary of the Senate be instructed to order printed for the use of the House and Senate, and the officers thereof, and for general distribution, one thousand (1,000) copies of pocket size, of the rules of the Thirty-third General Assembly, and that two hundred (200) copies be sewed and bound in flexible leather, one hundred thirty (130) for the house, which shall be delivered to the chief clerk thereof for distribution, and seventy (70) for the Senate, which shall be delivered to the Secretary thereof for distribution; and that each member of the General Assembly be supplied with one copy in leather cover with his name printed thereon; and that eight hundred (800) be stitched and bound in paper cover for distribution.

Senator Balkema moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senator Smith of Mitchell, moved that the time for adjournment be extended 15 minutes.

Carried.

Concurrent Resolution relative to the adoption of Joint Rules to govern the Senate and House of the Thirty-third General Assembly.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House, the Senate Concurring, That the following rules, herewith submitted, shall constitute the Joint Rules of the Senate and House of the Thirty-third General Assembly.

JOINT RULES.

1. Whenever either House shall amend a measure, and the other House shall refuse to concur in and adopt the amendment, the House which has adopted such amendment shall either insist on or recede from the same. 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. In case a motion to insist on the amendment be decided in the negative, such action shall be deemed a receding from the amendment, and so entered upon the Journal of the House. In case the amendment is insisted upon, the House so insisting shall request a Committee of Conference on the subject of disagreement, and shall appoint a committee therefor. The other House shall thereupon appoint such a committee. Unless another number is specified in said request, such Conference Committee shall consist of four members from each House. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective House the result of their conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the House which refused to concur, and there acted upon; and such action shall be immediately reported by the Secretary or Clerk to the other House, the papers referred accompanying the message. In case of disagreement of Conference Committee, the papers shall remain with the House which insisted on the amendment. The agreeing report of a Conference Committee shall be made, read and signed in duplicate by all the members of the Committee, or by a majority of those of each House, one of the duplicates being retained by the committee of each House.

1. Should either House disagree to the report of the Committee, or should the Committee fail to agree, either House may appoint a second Committee and request a second conference which shall be acceded to by the other House. The motion for a Committee of Conference and the report of such Committee shall be in order at any time. When both Houses shall have adhered to their disagreement, a bill or motion is lost.

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

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

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

5. When the bills are enrolled they shall be examined by a Joint Committee of two from the Senate and two from the House of Representatives, who shall be a Standing Committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the House, correct any errors therein, and make proof thereof forthwith to their respective Houses.

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

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

the date of presentation, which shall be entered upon the Journal of the House in which the bill originated.

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

9. When any bill, resolution or memorial, which shall have passed in one House, is rejected or adopted in the other, notice of such action shall be given to the House which passed the same. And each bill, resolution or memorial shall have properly endorsed thereon, at the time of its transmission, a statement signed by the Secretary or Clerk of the action which has been taken thereon by the House transmitting the same, with the dates thereof.

10. When a bill, resolution or memorial which shall have passed one House is rejected in the other, it shall not be again introduced during the session without five days' notice and leave of a majority of the members of the House in which the same is sought to be introduced.

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

12. When any report, bill or resolution shall be ordered printed by either House, without stating the number, three hundred copies shall be printed for the use of both Houses, but when any bill or resolution which may have passed one House is ordered printed by the other, a greater number of copies shall not be printed than the House making the order shall determine.

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

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

15. It shall be the duty of the Committee on Claims in each House to keep a book of record, in which shall be entered each claim for money against the State referred to them, whether presented in favor of private persons, or municipal or other corporations, entering therein the name of the claimant, the amount of the claim, the grounds therefor, with note of the evidence offered in support of the same, and the final conclusion of the Committee thereon. At the close of the session said book of record shall be deposited with the Auditor of State to be kept by him, and he shall provide an index, showing the names of the claimants recorded therein. At any subsequent session, the same shall be delivered, when desired, to the like committee having jurisdiction of such claims, and shall always be open to the examination of the said Committee of either House.

By unanimous consent the Senate reconsidered the vote by which the Senate adopted the Joint Rules of the Thirty-second General Assembly as the Joint Rules of the Thirty-third General Assembly on January 23.

Senator Balkema moved that the Senate adopt the report of the Joint Committee on Rules.

Adopted.

Senator Balkema moved that the rules as reported by the Joint Committee on rules be adopted by the Senate as the Joint Rules of the Thirty-third General Assembly.

Carried.

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

Senator Saunders moved that the House be requested to return to the Senate, Senate Concurrent Resolution, relative to the appointment of committees to visit the several state institutions under the direction of the Appropriations Committee.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Balkema, Brown, Clarkson, Cosson, Foley, Frudden, Hammill, Hoyt, Hunter, Larrabee, Moon, Saunders, Taylor, White, Whiting, Wilson—17.

The nays were:

Senators Adams, Allen of Van Buren, Burgess, De Armand, Dowell, Francis, Gilliland, McCulloch, Maytag, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Mitchell, Whipple—19.

Absent or not voting:

Senators Bennett, Bruce, Chapman, Clark, De Wolf, Fitchpatrick, Gates, Jamieson, McManus, Mattes, Nichols, Smith of Des Moines, Stuckslager, Van Law—14.

So the motion was lost.

Senator Dowell moved that the motion filed by Senator Larrabee to reconsider the vote by which the Concurrent Resolution relative to appointing committees to visit the several state institutions at the request of the Appropriations Committee, passed the Senate, be laid on the table.

The motion was lost.

Senator Francis asked unanimous consent to have printed five hundred extra copies of Senate File No. 107.

Consent granted.

Senator Hammill asked unanimous consent to have printed 2,000 extra copies of Senate File No. 58.

Consent granted.

Senator Moon moved that the Senate do now adjourn until 10:00 o'clock, A. M., Monday morning.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 1, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. John W. Day of Des Moines.

On request, Senator Gilliland was granted leave of absence until Thursday morning.

On request of Senator Peterson, leave of absence was granted Senator Proudfoot for the day.

On request of Senator Whipple, leave of absence was granted Senator Stuckslager until Wednesday morning.

On request of Senator De Armand, leave of absence was granted Senators De Wolf and Bruce for the day.

Senator Mattes asked unanimous consent to have the record show that had he been present yesterday he would have voted "aye" on the passage of Senate File No. 7.

PETITIONS AND MEMORIALS.

Allen of Van Buren, presented petition from citizens of Farmington, Iowa, asking the enactment of necessary initiatory legislative action to submit to the voters an amendment to the constitution prohibiting the sale and manufacture of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell, presented petition from attorneys of Worth County, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Larrabee presented petition from attorneys of Hancock County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Hammill presented petition from attorneys of Cerro Gordo County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Allen of Pocahontas, presented petition from Board of Supervisors of Humboldt County, Iowa, asking the repeal, amendment or modification of the present law relative to the expenses of quarantine and fumigation.

Referred to Committee on Public Health.

Senator Van Law presented petition from attorneys of Marshall County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Whipple presented petition from citizens of Tama County, Iowa, asking the enactment of necessary initiatory legislative action to submit to the voters an amendment to the constitution prohibiting the sale and manufacture of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Gates presented petition from attorneys of Bremer County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Seeley presented petition from attorneys of the Twentieth Judicial District of Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Smith of Des Moines, presented petition from attorneys of the Twentieth Judicial District of Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Moon presented petition from attorneys of Wapello County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Larrabee presented petition from judges of the Nineteenth Judicial District and attorneys of Dubuque County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Larrabee presented petition from attorneys of Webster County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Whipple presented petition from members of Iowa Helpers Band of Knoxville, Iowa, asking the enactment of necessary initiatory legislative action to submit to the voters an amendment to the constitution prohibiting the sale and manufacture of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Whipple presented petition from citizens of Benton County, Iowa, asking the enactment of necessary initiatory legislative action to submit to the voters an amendment to the constitution prohibiting the sale and manufacture of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Quigley, Senate File No. 117, a bill for an act to authorize the Sheriff and County Attorney, when permitted by the Board of Supervisors, to employ the service of detectives and providing for payment thereof.

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

By Senator Smith of Mitchell, Senate File No. 118, a bill for an act relating to bills of lading.

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

By Senator Larrabee (by request), Senate File No. 119, a bill for an act to amend Sections Fifteen Hundred and Seventy-one-b (1571-b), Fifteen Hundred and Seventy-one-c (1571-c), Fifteen Hundred and Seventy-one-e (1571-e), and Fifteen Hundred and Seventy-one-f (1571-f) of the 1907 Supplement to the Code, in reference to motor vehicles.

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

By Senator Hunter (by request), Senate File No. 120, a bill for an act to amend Section Twenty-seven Hundred and Eight (2708) of the Supplement to the Code 1907, relating to the commitment of boys and girls to industrial schools.

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

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 63, a bill for an act making it the duty of all persons operating vessels propelled by machinery to carry lights during certain hours, providing rules for action upon meeting other vessels, and fixing penalty for violation, with report of committee recommending passage as amended (by substitute), was taken up, considered, and the report of the committee adopted.

Senator Francis moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Francis moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, De Wolf, Frudden, Jamieson, McManus, Nichols, Proudfoot, Stuckslager—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 Chapman, Senate File No. 79, a bill for an act to legalize a special election of the City of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water-works, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Chapman moved the adoption of the following amendment:

Amend Section 1 by adding to said section, the following words: "This act shall in no wise effect pending litigation."

Adopted.

The bill as amended, was read for information.

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, De Wolf, Jamieson, Nichols, Proudfoot, Stuckslager—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 6, a bill for an act to repeal Sections Three Hundred One (301), Three Hundred Two (302), Three Hundred Five (305), Three Hundred Six (306), and Three Hundred Seven (307), of the Code, relating to the duties and limitations of the County Attorneys, and to enact substitutes therefor, with report of committee recommending passage as amended by substitute was taken up, considered, and the report of the committee adopted.

Senator Cosson moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by striking out the word "specifically" in next to the last line of Paragraph 1, of Section 2, and substituting therefor the word "exclusively."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—35.

The nays were:

Senators Adams, Brown, Foley, McCulloch, Ream, Sammis, White—7.

Absent or not voting:

Senators Bruce, Clarkson, De Armand, De Wolf, Jamieson, Nichols, Proudfoot, Stuckslager—8.

So the amendment was adopted.

Senator Cosson moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, De Armand, De Wolf, Jamieson, Nichols, Proudfoot, Stuckslager—8.

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 insists upon its Amendments to Senate File No. 17, in which the concurrence of the Senate was asked:

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property, and asks for a conference committee and the Speaker names as committee on part of House: Lee of Emmet, Jacobs of Calhoun, Johnson of Mitchell, Schee of O'Brien, Balluff of Scott.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 3, a bill for an act to repeal the law as it appears in Section Fourteen Hundred Fifty-seven (1457) of the Supplement to the Code, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendment:

Amend Section 1 by striking out the semi-colon after the word "month" in line 12 of such section and inserting in lieu thereof

a comma and the words "which shall accrue to the benefit of the general county funds"; also by inserting the figures "1907" after the word "Code" in line 2 of the title and in line 2 of Section 1.

Adopted.

The bill as amended was read for information.

Senator Francis offered the following amendment and moved its adoption:

Amend by inserting after the word "supervisors" in line 6, the following, "as to place of deposit."

Adopted.

Senator Dowell moved that the rule be suspended, 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Peterson, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Bruce, Chapman, Clarkson, De Wolf, Hoyt, Jamieson, Nichols, Parshall, Proudfoot, Sammis, Savage, Seeley, Stuckslager, Taylor—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title as amended 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. 60, a bill for an act to repeal Section four hundred thirty-three (433) of the Supplement to the Code 1907 relative to the burial of indigent soldiers and sailors and to enact a substitute therefor

C. R. BENEDICT,

Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 60, a bill for an act to repeal Section Four Hundred and Thirty-three (433) of the Supplement to the Code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor.

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

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property and asks for a conference committee, and the Speaker of the House names as committee on part of the House: Lee of Emmet, Jacobs of Calhoun, Johnson of Mitchell, Schee of O'Brien, Balluff of Scott.

Passed on file.

On request of Senator Hammill, leave of absence was granted Senator Allen of Pocahontas until Wednesday morning.

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

Senator De Armand filed the following motion:

I move to reconsider the vote by which Senate File No. 3 passed the Senate.

J. A. De Armand.

INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

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

Jesse Sherrer, Committee Clerk for the Committee on Public Health, appeared before the bar of the Senate and was duly sworn

Senator Frudden moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 2, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Evert G. Beyer of Brighton, Iowa.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren, presented petition from attorneys of Jefferson County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

INTRODUCTION OF BILLS.

By Senator Seeley, Senate File No. 122, a bill for an act providing for the appointment of business committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and making appropriation therefor.

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

By Senator Clark, Senate File No. 123, a bill for an act to amend Section Twenty-five Hundred and Seventy-six (2576) of the Supplement to the Code of Iowa, relating to the Board of Medical Examiners.

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

By Senator Clark, Senate File No. 124, a bill for an act to amend Section Twenty-five Hundred and Seventy-eight-a (2578-a) of the Supplement to the Code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners.

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

By Senator Balkema, Senate File No. 125, a bill for an act to amend the law as it appears in Section Eleven Hundred and Six (1106), to repeal the law as it appears in Sections Eleven Hundred and Nine (1109), Eleven Hundred Nineteen (1119), Eleven Hundred Twenty (1120), and Eleven Hundred Twenty-one (1121), of the Supplement to the Code of 1907, and to enact substitutes therefor; all relating to the form, marking, counting and validity of the ballot used in the general elections in the State.

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

By Senator Bennett, Senate File No. 126, a bill for an act to amend Section Three, Chapter Two Hundred Twenty-three of the Acts of the Thirty-second General Assembly relating to the distribution of roster of Iowa soldiers, sailors and marines.

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

By Senator Moon, Senate File No. 127, a bill for an act amending the law as it appears in Section Six Hundred and Seventy-four (674) of the Supplement to the Code 1907, relating to the compensation of assessors in cities of first class.

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

MESSAGE 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. 12, a bill for an act to amend Section 333 of the Code relating to persons exempt from liability to act as jurors.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 128, a bill for an act to amend the law as it appears in Section Seven Hundred Sixteen-a (716-a) of the Supplement to the Code, 1907, relating to the levy for fire fund.

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

By Committee on Cities and Towns, Senate File No. 129, a bill for an act to amend Section Nine Hundred and Ninety-five (995) of the Code relating to powers and duties of commissioners in cities of special charter.

Read first and second time and passed on file.

Senator Dowell offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring, That the custodian of the Capitol building be authorized to arrange with a suitable person or persons, to conduct a lunch counter at a suitable place in the basement of the Capitol building, for the accommodation of the members of the General Assembly and employees.

Resolved Further, That the custodian be authorized to furnish suitable counters and tables in the basement for conducting said lunch counter.

By unanimous consent the Concurrent Resolution was taken up for consideration.

Senator Dowell moved the adoption of the Concurrent Resolution.

Adopted.

The President announced the following communication, which was read and referred to the Committee on Appropriations.

SEATTLE, WASHINGTON, JANUARY 26, 1909.

To the Senate and House of Representatives of the State of Iowa:

GENTLEMEN—In the name and on behalf of the more than 25,000 former residents of Iowa, in the city of Seattle, and at least 150,000 in the State of Washington, we wish to extend to you, and through you to the people of Iowa, a most cordial invitation to visit the Alaska-Yukon-Pacific Exposition in our city during the summer of 1909. We also ask your consideration of a few of the reasons why Iowa should participate in some manner in this exposition.

The former residents of Iowa now in this state outnumber the representatives from any other state or country, and all of them possess a lively interest in their old home state; are alive to its welfare, and have many friends and relatives still residing there. In fact there are few residents of Iowa today who do not have some friend or relative here. This state, with unequaled resources, is developing faster than any other state and provides a market of immense possibilities. It is the gateway of the Orient, and across the Pacific her trade possibilities are incalculable. With the advantage of having so many faithful friends already on

the ground who know her capabilities, Iowa should have a large share of this trade. Once get the tide of Iowa products started in this direction and the possibilities for expansion are limitless; machinery, agricultural products, furniture, dairy products; everything that Iowa produces is in demand here, in Alaska and the Orient. Her productions need but to be shown to attract the buyer. The Alaska-Yukon-Pacific Exposition is intended to give publicity to the products of this country to the inhabitants of the Orient, Alaska and the Pacific Coast.

The unequaled opportunity of securing this rich western market is not being overlooked by the neighboring states of Iowa, and even the Atlantic States. Iowa's neighbors, her competitors, lacking the prestige of being the richest state in the Mississippi Valley, not having the number of former loyal residents on the ground, having eminence to gain rather than to retain, are to be represented at this exposition with buildings and exhibits.

At the present time it is just as necessary for a state to advertise its products and resources, if it seeks to attract and attain industrial and commercial relations and trade, and the consequent prosperity of her people as it is for the individual. Only collectively can this be done, and Iowa as *Iowa* should not fail to fill its proper niche at this exposition. It should be known here and the state as a state should assist in doing so. Iowans here never neglect an opportunity to throw any possible trade to their former state, but it is not asking too much to say that the Legislature should in some form—even by a small appropriation—assist us and yourselves in keeping its name on the western map and her products before the great consuming country of the Pacific Coast, Orient and Alaska.

Progressive and prosperous people from every state in the Union will be here, together with representatives from the markets of the world. A state cannot send its resources to an outside market for inspection, but by an exhibit and bureau of information at such an exposition as this, it can exploit its products to buyers of the world in a dignified and legitimate manner.

It would be a source of humiliation to the former residents of Iowa, who are now in Seattle and the state of Washington, if their old home state—in many respects the greatest state in the Union—did not show in this instance at least as much enterprise and public spirit as her neighboring states. Iowa has grown rich—her people are prosperous, and they and their descendents are of the best on earth—how can you satisfy them except by extolling her virtues, her productions and her fame among the galaxy of states, by making her a participant with other states in a magnificent exposition. Iowa should make a showing commensurate with her wealth and importance, and we appeal to you to give this matter your most serious consideration and provide for Iowa's participation in this exposition. If not more, a Department of Publicity and a place for Iowa people to congregate should be established, at such a small expense that your prosperous constituents could not object.

Thursday, August 12, 1909, has been assigned as Iowa Day at the Exposition, and we expect to have the most prominent speakers from Iowa that we can secure, and we will give them, and all other Iowa

people who come, a greeting that will make them feel that they are among their own kin and kindred.

We have the honor to be,

Most cordially yours,

IOWA SOCIETY OF SEATTLE,

CHAS. D. FULLEN,

President.

WILLIAM C. EDWARD,

Secretary,

W. R. DICKSON,

Chairman of Executive Committee.

ALASKA-YUKON-PACIFIC EXPOSITION COMMITTEE:

R. J. MEAKIM,

Chairman.

T. M. DAULTON,

JOHN F. ADAMS,

JOHN D. THOMPSON,

H. H. SCHROEDER,

L. W. LEWIS.

HOUSE MESSAGE CONSIDERED.

Senate File No. 12, a bill for an act to amend Section Three Hundred Thirty-three (333) of the Code, relating to persons exempt from liability to act as jurors.

Passed on file.

REPORTS OF COMMITTEES.

Senator James E. Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state January 1, 1908, from the requirements of the law which appears as Sections 2510-b, 2510-c, 2510-d, and 2510-h of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be amended as follows: That Section one be amended by striking out the words and figures "Jan. 1, 1911" in the fifth line and inserting in lieu thereof the words and figures "Nov. 1, 1910," and when so amended the bill do pass.

JAS. E. BRUCE,

Chairman.

Ordered passed on file.

Senator Gilliland, 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. 100, a bill for an act to amend Section seven hundred and forty-six (746) of the Supplement to the Code relating to

contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Insert after word "amending" and before the word "Section" in the first line of the title the words "the law as it appears in."

Insert after the word "Code" in the second line of the title the figures, "1907," with commas.

Insert after the word "that" in the first line of Section 1, the words "the law as it appears in," and after the word "Code" in the second line of said Section the figures, "1907," with commas.

Strike out the word "previously" in line five of Section 1, and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Senator Gillilland, 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. 72, a bill for an act requiring the entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theatres and opera houses, colleges and public school houses to open outward, beg leave to report they have had the same under consideration and recommend the adoption of the following substitute therefor and that said substitute be recommended for passage:

SUBSTITUTE FOR SENATE FILE NO 72.

A Bill for an Act to Amend the Law as it Appears in Section Forty-nine Hundred Ninety-nine-A-9 of the Supplement to the Code 1907, Relating to Protection Against Fire and Providing Means for Escape.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section Forty-nine Hundred Ninety-nine-a-9 (499-a-9) of the Supplement to the Code 1907, is hereby amended by adding to said Section, the following:

"The entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theatres, opera houses, colleges and public school houses, and the entrance doors to all class and assembly rooms in all public school buildings, in all cities and incorporated towns, shall open outward."

SEC. 2. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Register and Leader, and Des Moines Capital, newspapers published at Des Moines, Iowa.

SHIRLEY GILLILLAND,
Chairman.

Substitute was read first and second time.

Ordered passed on file.

Senator Gilliland, 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. 77, a bill for an act to extend the provisions of Section 850-d of the Supplement to the Code relating to Park Commissioners, to cities of special charter, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Mattes from the special Committee on contest of A. F. N. Hambleton vs. John F. Ream, submitted the following report:

In the matter of the contest of A. F. N. Hambleton against John F. Ream for the office of State Senator for the Fourteenth Senatorial District of the State of Iowa, for the term commencing January 11th, 1909, before the committee appointed by Lieutenant Governor George W. Clarke, the President of the Senate.

A. F. N. HAMBLETON, <i>Contestant,</i>	}	Report of Committee.
vs.		
JOHN F. REAM, <i>Incumbent.</i>		

MR. PRESIDENT—Your committee appointed to hear and decide the contest made in the above entitled case beg leave to report that they proceeded in the matter of the hearing of said contest in conformity with the provisions of the statute in such cases made and provided. That by agreement of the parties and their attorneys duly entered of record certain questions of law involved in the contest that might be decisive of the rights of the parties were submitted to your committee for its decision without the formality of the production of the election ballots in controversy.

That your committee has duly considered and decided the questions submitted to it under the agreed statement of facts. That the decision of your committee is in words and figures following to-wit:

In the matter of the contest of A. F. N. Hambleton against John F. Ream for the office of State Senator for the Fourteenth Senatorial District of the State of Iowa, for the term commencing January 11th, 1909, before the committee appointed by Lieutenant Governor George W. Clarke, the President of the Senate.

A. F. N. HAMBLETON,
Contestant,
 vs.
 JOHN F. REAM,
Incumbent.

} Opinion of the Committee.

J. A. Devitt and J. O. Malcolm, Attorneys for Contestant.

S. V. Reynolds, J. McCleoy and Thos. Cheshire, Attorneys for Incumbent.

The contestant alleges in his statement of contest, material to the decision of the question submitted to the committee under the agreed statement of facts, that the number of alleged legal ballots which were cast for him and rejected and not counted for him by the judges of election in the several precincts of Mahaska County, which alone comprises the Fourteenth Senatorial District of Iowa, were five hundred, more or less. That the markings on the majority of the ballots so rejected by the judges of election and not counted for him consisted of a cross made by the voter on each of such ballots "opposite and at the beginning of the names of the candidates for President and Vice-president of the United States."

That on each of such ballots so marked and rejected by the judges of election and not counted for him, the voter thereof had marked a cross in the square in front of his name under the office for State Senator.

The incumbent filed a pleading in the nature of a demurrer to the statement of contest, whereupon the following agreements were made and entered of record, viz:

"The contestant states that in case the committee holds that ballots cast at the general election in November on which the voter has made a cross, or a square and a cross, opposite the name of candidate for President or Vice-president should not be counted, then, and in that event, the contestant would abandon this contest; but in the event the committee holds that such ballots so marked should be counted, the contestant, by this concession, does not waive any further irregularities that may develop during the count of the ballots.

"It is agreed by the contestant and the incumbent and the attorneys appearing for them, that questions of law arising on the contest, whether upon the pleadings or upon the question of whether ballots should be counted or rejected are to be determined by the committee as if it was sitting as a court and in accordance with law."

Upon the record so made the case was submitted to the committee for its decision as to whether the ballots cast at said election so marked as before described should be rejected or counted for contestant.

The decision of the question involves the proper construction of Sections 1119 and 1120 of the Supplement to the Code, 1907.

They read as follows:

"SEC. 1119. Upon retiring to the voting booth, the voter shall prepare his ballot by placing a cross in the square opposite the name of each candidate for whom he desires to vote. The voter may also insert in writing, in the proper place, the name of any person for whom he desires to vote, making a cross opposite thereto. The writing of such name without making a cross opposite thereto, or the making of a cross oppo-

site such blank without writing a name therein shall not affect the validity of his vote.

"SEC. 1120. Ballots marked as provided in the preceding section shall be counted for the candidates designated by the marks in the squares. When only one candidate for any office is to be elected, if the voter marks in squares opposite the names of more than one candidate therefor, such vote shall not be counted for such office. When two or more officers of the same kind are to be elected, if more squares opposite the names of candidates for such office are marked than there are officers to be elected to such office, the ballot shall not be counted for any such candidates. If for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. Any ballot marked by the voter in any other manner than is authorized in this chapter, and so that such mark may be used for the purpose of identifying such ballot, shall be rejected."

It will conduce to a better understanding of the particular question submitted to the committee for decision if we first eliminate those matters not necessarily involved. These may be enumerated as follows:

1. The intention of the voter of each of the ballots in controversy to vote for the contestant.
2. The proper expression of such intention by making a cross in the square in front of the contestant's name on each of such ballots for the office of State Senator.

In so far as these specifications are concerned there is no controversy. If the voter of each of these ballots had done nothing more than to express such intention by such marking of his ballot the question submitted for the decision of the committee would not arise. It only arises because of the fact that the voter of each of these contested ballots not only expressed his intention of voting for the contestant by marking his ballot in the usual and proper way, but in addition thereto and independent thereof, made another marking upon his ballot described as a cross, or a square and a cross, opposite the name of candidate for President or Vice-president. Such additional and independent marking involves the validity of the ballot as a whole and not its validity as a vote for the office of State Senator; hence the sole question for the decision of the committee is whether such marking on the ballot by any voter is within the prohibition of the last clause of Section 1120 of the Supplement to the Code above set out which is in the following words:

"Any ballot marked by the voter in any other manner than is authorized in this chapter, and so that such mark may be used for the purpose of identifying such ballot, shall be rejected."

Counsel for contestant contends that it is a question of fact for the court or committee to determine whether any contested ballot is within the prohibition of this provision of our statute. We concede this to be true, but only to the extent of determining that which may be determined by a personal inspection of the contested ballot, by court or committee, as to the nature and character of the marking and the place of such marking on the ballot. In the instant case the nature and character of the markings on the ballots in controversy being described and agreed upon, as well as the place of such markings upon the ballots, it becomes

a question of law for the committee to say, whether under the provision of the statute quoted such markings are of such nature and character as to require a rejection of the ballots upon which they are placed by the voters thereof. That these additional and independent markings appearing on the ballots in controversy are not authorized by the provision of the statute, and that ballots so marked, are marked in a manner other than is authorized by law must be conceded. This being true it only remains to determine whether either of such marks, placed upon a ballot by the voter thereof, *may be used* for the purpose of identifying the ballot of such voter. Under the plain provisions of the statute it is immaterial to inquire into the purpose of the voter in placing such a mark upon his ballot whether innocent or otherwise. If the mark so placed upon his ballot may be used for the purpose of identifying such ballot it must be rejected.

This identical question has been passed upon by our supreme court under a former statute materially more favorable to the voter than the present statute in so far as it required that such marks must be placed upon the ballot *for the purpose* of identifying the same to subject the voter to the penalty provided for its violation. We quote from the opinion of the court in the case of Whittam vs. Zahorik, 91 Iowa at page 36, as follows:

'Ballots marked as provided by the statute must be counted, and there is no authority for counting any which are not so marked. Section 27 contains provisions designed to compel secret ballots, and provides that 'any person who shall mark or cause in any manner to be marked, on any ballot, any character for the purpose of identifying said ballot,' shall be punished by fine or imprisonment or by both.' This provision is designed to prevent identifying marks by any person, including the voter, and prohibits such marking by necessary implication. If it is done by some one without the knowledge or consent of the voter, as, by one of the election officers, it should not prevent the counting of the ballot, but, where it is done by the voter in preparing his ballot, it is a violation of the law, and, not being such a marking as the law sanctions, the ballot should not be counted. Whether a ballot should be counted does not depend solely upon the power to ascertain and declare the choice of the voter but also upon the expression of that choice in the manner provided by the statute. In that respect the statute under consideration has made a radical change in the law. The only mark which is recognized as competent to express the choice of a voter is a cross, and it is not only necessary to use a cross, but it must be placed at the appropriate margin or place. * * * It is within the power of the General Assembly to prescribe regulations which the voter must follow in preparing his ballot and those provided for in the statute under consideration are reasonable, and abundant provision is made to enable the voter to know and follow them." And again the court says, after holding that certain ballots under consideration should be rejected: "Some of these ballots were probably marked without any intention on the part of the voter of identifying them, but all could have been readily used for that purpose, and none were the crosses required by the statute."

On the other hand it is equally well settled that unauthorized markings upon the ballot of any voter appearing as the result of inadvertence, want of skill, accident or infirmity or such as could not be used as an identifying mark would not cause its rejection. That to constitute an identifying mark it must be deliberately made and of such kind and character that the maker thereof could describe it with such certainty and accuracy as to enable a third party to know the ballot when seen and inspected.

Applying these general principles to the markings on the ballots in controversy but one conclusion can be reached. They were deliberately made, as they appear upon the ballots at a place unauthorized by law, and independent of, and in no manner connected with the marking in the squares opposite the name of any candidate on the ballot entitled to be voted for at the election.

This is sufficient to show that such markings were not the result of inadvertence, want of skill, accident or infirmity in marking in the squares in front of the names of the candidates on the ballots where the law requires the markings to be made.

That the particular markings on the ballots in controversy could be used for identifying the ballots on which they were placed is not a debatable question. They are specifically described in the agreed statement of facts and are of such a nature and character as to enable a third person to know the ballots upon sight, or from an inspection thereof, without possibility of mistake.

It is therefore our opinion that such ballots ought not to be counted and were properly rejected. The conclusion we have reached finds ample support in the following adjudicated cases in the supreme court of our own state:

Whittam vs. Zahorick, 91 Iowa, 23.

Voorhees vs. Arnold, 108 Iowa, 77.

Spurrier vs. McLennan, 115 Iowa, 461.

If it be said that the conclusion we have reached results in the disfranchisement of the voters of the ballots so marked, a sufficient answer is that such result is the entire fault of the voters of such ballots and not of the law.

It is the unanimous opinion of the committee that it is far better to enforce the plain provisions of the law enacted to preserve, inviolate, the secrecy and integrity of the ballot than to ignore the same, or by loose and constrained construction thereof, open the door to the possible fraud and abuse they were enacted to prevent.

In view of the agreements entered of record and the conclusion we have reached, it follows that the contest of Hon. A. F. N. Hambleton must be and the same is hereby dismissed, and that the incumbent, the Hon. John F. Ream, is entitled to his seat as a member of this Senate.

Respectfully submitted,

JOSEPH MATTES,
C. H. VAN LAW,
C. F. PETERSON,
A. F. FRUDDEN,
S. W. DE WOLF,
Committee.

Senator Mattes moved that the report of the Committee be adopted and the Committee be discharged.

Carried.

On the adoption of the report of the Committee the President announced the dismissal by the Senate of the contest of Hon. A. F. N. Hambleton vs. Hon. John F. Ream and that the Hon. John F. Ream, incumbent, is entitled to retain his seat as a member of the Senate of the Thirty-third General Assembly from the Fourteenth Senatorial District.

INTRODUCTION OF BILLS.

By Senator Bruce, Senate File No. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car and giving authority to conductors of railway trains to make arrests as peace officers.

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

THIRD READING OF BILLS.

On motion of Senator Nichols, Senate File No. 37, a bill for an act to repeal Section Thirteen Hundred Sixty-six (1366) of the Code and enact a substitute therefor, relative to assessment rolls, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Nichols moved the adoption of the following amendments:

Amend Section 1, by adding after the figures "1366" in the second line thereof, the words "of the Code."

Amend Section 1, by striking out the words and figures "twentieth (20) day of April," appearing in the 14th and 15th lines of said section, and inserting in lieu thereof, the words and figures tenth (10) day of May.

Amend Section 2, by striking out the word "Daily in the fourth line thereof.

Adopted.

The bill as amended was read for information.

Senator Nichols moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—45.

The nays were:

Nope.

Absent or not voting:

Senators Allen of Pocahontas, Clarkson, De Wolf, Gilliland, Stuckslager—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 Proudfoot, Senate File No. 75, a bill for an act to repeal Sections Sixteen (16), Seventeen (17) and Twenty (20) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on page Four (4) of the prefix to the Code, and enact substitutes therefor; to repeal Sections Eighteen (18) and Nineteen (19) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter One (1) of the Acts of the Thirty-first General Assembly, and as same appear on page Five (5) of the prefix to the 1907 Supplement to the Code, and enact substitutes therefor; and to repeal Sections Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45) and Forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendments:

I move to amend the title by striking out the figures "1907" as they appear in the 9th line thereof, and by inserting after the word "Code" in said 9th line the figures "1907."

I move to amend Section 3, by striking out the figures "1907" as appear in the 4th line thereof, and by inserting after the word "Code" in said 4th line, the figures "1907."

I move to amend Section 4, by striking out the figures "1907" as they appear in the 4th line thereof, and by adding after the word "Code" in said 4th line, the figures "1907."

Adopted.

The bill as amended was read for information.

Senator Peterson offered the following amendment, and moved its adoption:

I move to amend Section One of the bill by striking out the words "two copies" in line number ten of the printed bill and inserting in lieu thereof the words "one copy" and by inserting after the semi-colon following the word "each" being the first word of line eleven of the printed bill the following:

"To the Clerk of the Supreme Court, to each clerk of the District Courts of Iowa, and to each clerk of the United State District and Circuit courts in Iowa, one copy each, for use in term time."

Adopted.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 6 of the bill by striking out the words "two copies" as it appears in line seven of the printed bill, and by inserting after the semi-colon following the word "each" in line seven of the printed bill the following, "to the Clerk of the Supreme Court, to each Clerk of the District Court of Iowa and to each Clerk of the United States District and Circuit Courts in Iowa, one copy each for use in term time."

Senator Adams offered the following amendment and moved its adoption.

Amend Section One (1) by striking out the words "One Hundred and Fifty" as the same appears in line Seven (7) and Eight (8) of the printed bill and inserting in lieu thereof the word "Fifty," and also striking out the word "Ten" as it appears in line Nine (9) thereof, and inserting in lieu thereof the word "Five," also by striking out the word "Two" wherever it appears in line

Ten (10) and Eleven (11) of the printed bill and inserting in lieu thereof the word "One."

Amend Section Six (6) by striking out the words "One Hundred and Fifty" as the same appears in line Four (4), of the printed bill and inserting in lieu thereof the word "Fifty," also by striking out the word "Ten" as it appears in line Five (5), and inserting in lieu thereof the word "Five," and by striking out the word "Two" wherever it appears in line Seven (7), and by inserting in lieu thereof the word "One."

Senator Cosson moved that the further consideration of the bill be postponed and that it be made a Special Order for Thursday at 10:30 o'clock, A. M.

Carried.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Concurrent Resolution relative to custodian making arrangement for lunch counter in basement.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Cosson, Senate File 131, a bill for an act to repeal Sections Two Hundred and Eight (208) and Two Hundred Ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact a substitute therefor.

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

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to custodian making arrangements for lunch counter in basement.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Proudfoot, Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property, was taken up and considered.

Senator Proudfoot moved that the President appoint a conference committee on Senate File No. 17.

Carried.

The President announced as Conference Committee on part of the Senate, on Senate File No. 17: Senators Proudfoot, Dowell, Saunders, Moon and Clarkson.

Senator Wilson offered the following resolution and moved its adoption.

WHEREAS, Honorable Silas W. Gardiner, who was at one time an honored member of the Senate of the Twenty-fourth General Assembly of Iowa, died at his home in Clinton, Iowa, on the 13th day of June, 1907, therefore

Be it Resolved, That a committee of three members of the Senate be named to prepare suitable resolutions commemorating his life and public services to the State.

Adopted.

William A. Patterson, Committee Clerk for Senator Clarkson, was transferred as Committee Clerk to the Committee on Constitutional amendments.

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

Senator Van Law moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 3, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. A. L. Golden of Boone, Iowa.

PETITIONS AND MEMORIALS.

Senator Fitchpatrick presented petition from the Boone Ministerial Union in favor of the re-submission of the constitutional amendment prohibiting the manufacture and sale of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren, presented petition from attorneys of Second Judicial District favoring the passage of a bill increasing the compensation of the official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Taylor presented petition from the Second Judicial District favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Bruce presented remonstrance from the citizens and voters of Lincoln Township, Cass County, Iowa, remonstrating against any change in the law relating to the rural school system and against any change of the present road laws.

Referred to Committee on Schools.

Senator Bruce presented petition from the voters of Atlantic, Iowa, favoring the passage of the Hunters License Law.

Referred to Committee on Fish and Game.

Senator Seeley presented petition from the legal voters of Henry County, favoring an appropriation for building of gymnasium at Iowa State College.

Referred to Committee on Educational Institutions.

Senator Bennett presented petition from the Women's Club of Lenox, Iowa, favoring the passage of the bill revising the school laws of the State of Iowa.

Referred to Committee on Schools.

Senator Proudfoot presented petition from the members of the bar of Union County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Bennett presented petition favoring the passage of a law requiring registration of ordained ministers.

Referred to Committee on Judiciary.

Senator Chapman presented petition favoring the passage of a law increasing the license of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

INTRODUCTION OF BILLS.

By Senator Nichols, Senate File No. 132, a bill for an act to repeal the law as it appears in Sections Fifteen Hundred Seventy-b (1570-b) and Fifteen Hundred Seventy-c (1570-c) of the 1907 Supplement to the Code, relative to the improvement of public highways by the use of the road drag.

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

By Senator Clark, Senate File No. 133, a bill for an act to amend Section Twenty-five Hundred and Seventy-four (2574) of the Code, providing for an increase in the salary of the Secretary of the State Board of Health.

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

By Senator Saunders, Senate File No. 134, a bill for an act relating to the taxation of railways and railway property, including terminals, and amending Sections One Thousand Three Hundred

and Thirty-four (1334) and One Thousand Three Hundred and Thirty-seven (1337) of the Supplement to the Code 1907, and Sections One Thousand Three Hundred and thirty-six (1336) and One Thousand Three Hundred and Thirty-eight (1338) of the Code.

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

By Senators Moon and Adams, Senate File No. 135, a bill for an act compelling telephone central offices operating in the same city, town or village, to make and maintain a physical connection and regulate toll therefor, and publish telephone directories for distribution to the public, and providing penalty for failure to comply.

Read first and second time and referred to Committee on Telephones and Telegraphs.

By Senator Maytag, Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

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

By Senator Wilson, Senate File No. 137, a bill for an act to amend Section One Thousand Four Hundred and Sixty-seven (1467) of the Code, relative to assessment and collection of collateral inheritance tax.

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

By Senator McCulloch, Senate File No. 138, a bill for an act amendatory to Chapter (4), Title (9), of the Code, relating to fire insurance.

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

By Senator Fitchpatrick, Senate File No. 139, a bill for an act providing for the completion and distribution of the Roster of Iowa Soldiers, Sailors and Marines, as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor.

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

By Senator Chapman, Senate File No. 140, a bill for an act to amend Section One Thousand Five Hundred Seventy-c (1570-c) of the Supplement to the Code, 1907, relating to public highways and providing for the payment for work thereon.

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

By Senator Savage, Senate File No. 141, a bill for an act to repeal Section Thirteen Hundred and Sixty-three (1363) of the Code, relative to statistics, and enacting a substitute therefor.

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

By Senator Savage, Senate File No. 142, a bill for an act to amend Sections Sixteen Hundred Fifty-seven-d (1657-d), Sixteen Hundred Fifty-seven-k (1657-k) and Sixteen Hundred Fifty-seven-t (1657-t) of the Supplement to the Code, relative to the department of agriculture.

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

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 104, a bill for an act amending Section 1400 of the Code of 1897 fixing the time when taxes on personal property become a lien thereon, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by adding after the word "Section" in the first line, the words "Fourteen Hundred," and by placing a parenthesis around the figures "1400." And by striking out of said first line, the words and figures "of 1897."

Amend Section 1 by adding after the word "Section" and before the figures "1400," in the first line thereof, the words "Fourteen Hundred," and by placing a parenthesis around the figures "1400." And by striking out of said first line, the words and figures "of 1897," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 119, a bill for an act to amend Sections fifteen hundred

and seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e) and fifteen hundred and seventy-one-f (1571-f) of the 1907 Supplement to the Code, in reference to motor vehicles, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title of the bill by striking out the figures "1907" as they appear in the fourth line thereof, and by inserting after the word "Code" in said fourth line, the figures "1907."

Amend Section 1 by striking out the figures "1907" as they appear in the second line thereof, and insert after the word "Code" in said second line, the figures "1907."

Amend Section 2 by striking out the figures "1907" as they appear in the second line thereof and inserting after the word "Code" in said second line the figures "1907."

Amend Section 3 by striking out the figures "1907" as they appear in the second line thereof, and by adding after the word "code" in said second line, second line, the figures "1907."

Amend Section 4, by striking out the figures "1907" as they appear in the second line thereof, and by inserting after the word "Code" in said second line the figures "1907."

Amend Section 5 by striking out the word "Daily" in the third line thereof, and inserting in lieu thereof the word "Des Moines," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 112, a bill for an act to amend Section 295 of the Code, relative to certifying chains of title to county auditors, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 11, a bill for an act to repeal Section thirty-two hundred and sixty-eight (3268) of the Code, relative to the time and manner of examination of bonds of guardians, executors, administrators and trustees, by clerk of the district court, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 28, a bill for an act to amend Section one, Chapter five, of the Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 121, a bill for an act to legalize certain ordinances of the Town of Oxford Junction, Jones County, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding thereto the following:

"This act shall in no wise effect pending litigation, nor validate any provision in excess of the powers delegated to cities and towns by law."

Amend Section 2 by striking out the words "IN EFFECT" appearing in the first line thereof.

Amend Section 2 by adding after the word "Iowa" in the third line thereof, the words "and the Register and Leader, a newspaper published at Des Moines, Iowa," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator James E. Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 88, a bill for an act to repeal Section twenty-three hundred forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure bred stallions, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Strike out the word "animal" in the fourth line of Section One and insert in lieu thereof the word "stallion," and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 93, a bill for an act to repeal the law as it appears in Section sixteen hundred fifty-seven-q (1657-q) of the Supplement to the

Code and to enact a substitute therefor relating to the auditing of accounts, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Insert a comma and the figures 1907 following the word Code in the second line of the title and also by inserting a comma and the figures 1907 following the word Code in the second line of Section One, and also by inserting the figures 1907 following the word Code in the seventh line of Section One, and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 12, a bill for an act to amend Section three hundred and thirty-three (333) of the Code relating to persons exempt from liability to act as jurors.

HENRY L. ADAMS,
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. 25, a bill for an act repealing Chapter two hundred forty (240) of the acts of the Thirty-second (32) General Assembly relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

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 repealing Chapter two hundred forty (240) of the acts of the Thirty-second (32) General Assembly relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 12, a bill for an act to amend Section three hundred and thirty-three (333) of the Code relating to persons exempt from liability to act as jurors.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 12 and 25.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the Governor for his approval Senate File No. 12.

HENRY L. ADAMS,
Chairman.

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. 25.

HENRY L. ADAMS,
Chairman.

Adopted.

THIRD READING OF BILLS.

The time having arrived for the Special Order, Senate took up for consideration Senate File No. 70, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code 1907, relating to the County Road Fund.

Senator Hunter asked unanimous consent to have the bill re-referred to the Committee on Judiciary.

Consent granted and the bill was referred to Committee on Judiciary.

On motion of Senator Saunders, Senate File No. 100, a bill for an act to amend Section Seven Hundred and Forty-six (746) of the Supplement to the Code, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the pur-

chase or erection of water-works, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendments:

Insert after the word "that" in the first line of Section 1, the words "the law as it appears in," and after the word "Code" in the second line of said section the figures "1907," with commas.

Strike out the word "previously" in line five of Section 1.

Adopted.

The bill as amended was read for information.

Senator Saunders moved the adoption of the following amendment—considered engrossed, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senators Gilliland, Smith of Des Moines—2.

Senator Saunders moved the adoption of the following amendments to the title of the bill:

Insert after the word "amending" and before the word "Section" in the first line of the title the words "the law as it appears in."

Insert after the word "Code" in the second line of the title figures "1907," with commas.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate, and its title as amended, agreed to.

On motion of Senator Whipple, Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state January 1, 1908, from the requirements of the law which appears as Sections 2510-b, 2510-c, 2510-d and 2510-h of the Supplement to the Code, 1907, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Whipple moved the adoption of the following amendment:

That Section One be amended by striking out the words and figures "Jan. 1, 1911," in the fifth line and inserting in lieu thereof the words and figures "Nov. 1, 1910."

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend by adding to Section 1, the following: "providing such articles were not manufactured or contracted for after July 4, 1907."

Adopted.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall,

Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senators Gilliland, Smith of Des Moines—2.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Burgess, Senate File No. 72, a bill for an act requiring the entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theaters and opera houses, colleges and public school houses to open outward, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Burgess moved that the substitute be substituted for the original bill.

Carried.

Senator Dowell moved to amend the bill by striking out Section 2, the publication clause.

Adopted.

Senator Burgess moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—45.

The nays were:

Senators Adams, McCulloch—2.

Absent or not voting:

Senators Gilliland, Smith of Des Moines, Whipple—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President announced as committee to prepare suitable resolutions commemorative of the life, character and public services of the late Silas W. Gardiner: Senators Wilson, Hoyt and Gates.

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

Senator Allen of Van Buren, moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 4, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Reverend Dewitt Clinton of Hampton, Iowa.

Elsie M. Jones, Committee Clerk for Senator Clarkson, appeared before the Bar of the Senate and was duly sworn.

PETITIONS AND MEMORIALS.

Senator Mattes presented petition from the threshermen of Sac county, requesting the passage of a bill favorable to the threshermen.

Referred to Committee on Public Highways.

Senator Bennett presented petition from the members of the bar of Adams County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Proudfoot presented remonstrance of voters of Warren County, against the adoption of the proposed change in the School Laws.

Referred to Committee on Schools.

Senator Adams presented remonstrance of the school officers of Donnan, Iowa, against the adoption of the proposed changes in the School Laws.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Clark, Senate File No. 143, a bill for an act to amend Section Twenty-five Hundred and Seventy-six (2576) of

the Code, relative to the appropriation to the State Board of Health.

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

By Senator Van Law, Senate File No. 144, a bill for an act to appropriate money for the use of the Iowa Soldiers' Home, Marshalltown, Iowa.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Substitute for Senate File No. 42, a bill for an act to amend the law as it appears in Section 4600-a of the Supplement to the Code, 1907, relating to the compensation of justices of the peace and constables.

C. R. BENEDICT,
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. 67, a bill for an act to amend Section 5448 of the Code relating to the time in which an appeal may be taken from the final judgment in criminal cases.

C. R. BENEDICT,
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. 98, a bill for an act to repeal the law as it now appears in Section 337-d of the Supplement to the Code, 1907, relating to time and manner of selecting jury lists, and to enact a substitute therefor.

C. R. BENEDICT,
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. 162, a bill for an act to repeal Section 1185 of the Code and to enact a substitute therefor; to repeal Section 1188 of the Code and

to enact a substitute therefor; to repeal Section 1196 of the Code and to enact a substitute therefor, relating to officers' bonds.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Seeley, Senate File No. 104, a bill for an act amending Section 1400 of the Code of 1897, fixing the time when taxes on personal property become a lien thereon, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Seeley moved the adoption of the following amendments: Amend the title by adding after the word "Section" in the first line, the words "Fourteen Hundred," and by placing a parenthesis around the figures "1400." And by striking out of said first line, the words and figures "of 1897."

Amend Section 1 by adding after the word "Section" and before the figures "1400," in the first line thereof, the words "Fourteen Hundred," and by placing a parenthesis around the figures "1400." And by striking out of said first line, the words and figures "of 1897," and when so amended the bill do pass.

Adopted.

The bill as amended was read for information.

Further consideration of the bill was postponed.

On motion of Senator Clarkson, House File No. 11, a bill for an act to repeal Section Thirty-two Hundred and Sixty-eight (3268) of the Code, relative to the time and manner of examination of bonds of guardians, executors, administrators, and trustees, by Clerk of the District Court, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley,

Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Wilson—47.

The nays were:

None.

Absent or not voting:

McManus, Stuckslager, Whiting—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator White, House File No. 28, a bill for an act to amend Section One, Chapter Five, Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator White moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—49.

The nays were:

None.

Absent or not voting:

Senator Whiting—1.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Chapman, Senate File No. 121, a bill for an act to legalize certain ordinances of the Town of Oxford Junction, Jones County, Iowa, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Chapman moved the adoption of the following amendments:

Amend Section 1 by adding thereto the following:

“This act shall in no wise effect pending litigation, nor validate any provision in excess of the powers delegated to cities and towns by law.”

Amend Section 2 by striking out the words “in effect” appearing in the first line thereof.

Amend Section 2 by adding after the word “Iowa” in the third line thereof, the words “ and the Register and Leader, a newspaper published at Des Moines, Iowa.”

Adopted.

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—48

The nays were:

None.

Absent or not voting:

Senators McManus, Whiting—2.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Savage, Senate File No. 88, a bill for an act to repeal Section Twenty-three Hundred Forty-one-d (2341-d) of the Supplement to the Code 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure bred stallions, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Savage moved the adoption of the following amendment: Strike out the word "animal" in the fourth line of Section One and insert in lieu thereof the word "stallion."

The bill as amended was read for information.

Senator Savage moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor Van Law, Whipple, White, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Dowell, Gates, Jamieson, Maytag, Whiting—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The time having arrived for the Special Order, on motion of Senator Proudfoot, Senate File No. 75, a bill for an act to repeal

Sections Sixteen (16), Seventeen (17), and Twenty (20), of Chapter Twenty (20), of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on Page Four (4) of the Prefix to the Code, and enact substitutes therefor; to repeal Sections Eighteen (18) and Nineteen (19) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter One (1) of the Acts of the Thirty-first General Assembly, and as same appear on Page Five (5) of the Prefix to the 1907 Supplement to the Code, and enact substitutes therefor; and to repeal Sections Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45) and Forty-six (46) of the Code and enact Substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws, was taken up and considered.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 6 of the bill by striking out the words "two copies" as it appears in line seven of the printed bill, and by inserting after the semi-colon following the word "each" in line seven of the printed bill the following, "to the Clerk of the Supreme Court, to each Clerk of the District Court of Iowa and to each Clerk of the United States District and Circuit Courts in Iowa, one copy each for use in term time."

Adopted.

By unanimous consent the amendments offered by Senator Adams on February 2d were withdrawn.

Senator Proudfoot moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—46.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Burgess, Chapman, Whiting—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 Bruce, Senate File No. 93, a bill for an act to repeal the law as it appears in Section Sixteen Hundred Fifty-seven-q (1657-q) of the Supplement to the Code and to enact a substitute therefor relating to the auditing of accounts, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Bruce moved the adoption of the following amendments:

Insert a comma and the figures 1907 following the word Code in the second line of the title and also by inserting a comma and the figures 1907 following the word Code in the second line of Section One, and also by inserting the figures 1907 following the word Code in the 7th line of Section One.

The bill as amended was read for information.

Senator Bruce moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—47.

The nays were:

None.

Absent or not voting:

Senators Burgess, Sammis, Whiting—3.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended, agreed to.

INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 145, a bill for an act to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa river.

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

By Senator Foley, Senate File No. 146, a bill for an act relating to bonds furnished by county officers and providing for the cost of same.

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

By Senator McManus, Senate File No. 147, a bill for an act to amend Section Five Thousand One Hundred and Sixty-five (5165) of the Code, relating to the time of commencing criminal actions in certain cases.

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

By Senator Saunders, Senate File No. 148, a bill for an act to amend the law as it appears in Section Five Hundred Ten-a (510-a) of the Supplement to the Code 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

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

By Senator Saunders, Senate File No. 149, a bill for an act to amend the law as it appears in Section Five Hundred Ten-b (510-b) of the Supplement to the Code 1907, relating to the compensation of deputy sheriff.

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

By Senator Saunders, Senate File No. 150, a bill for an act to amend the law as it appears in Section Five Hundred Eleven

(511) of the Supplement to the Code 1907, relating to the compensation of sheriffs for boarding prisoners.

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

By Senator De Armand, Senate File No. 151, a bill for an act repealing Section Five Hundred and Ninety (590) of the Code relative to the compensation of township trustees and enacting a substitute therefor.

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

By Senator Francis, Senate File No. 152, a bill for an act creating county agricultural high schools; providing for their management, control and operation, and creating a county board of education for their management, and making provision for the support of said schools.

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

HOUSE MESSAGES CONSIDERED.

Senate File No. 67, a bill for an act to amend Section Fifty-four Hundred forty-eight (5448) of the Code, relating to the time in which an appeal may be taken from the final judgment in criminal cases.

Passed on file.

House File No. 98, a bill for an act to repeal the law as it now appears in Section Three Hundred Thirty-seven-d (337-d) of the Supplement to the Code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor.

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

House File No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds.

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

Substitute for Senate File No. 42, a bill for an act to amend the law as it appears in Section Forty-six Hundred-a (4600-a) of the Supplement to the Code 1907, relating to the compensation of justices of the peace and constables.

Senator Moon moved that the Senate concur in the following House amendment:

HOUSE AMENDMENT.

Amend by striking out in Section One thereof the words "twenty-two" in the sixth, thirteenth and twentieth lines and inserting the word "twenty," and by striking out the figures "22,000" in the twenty-first line and inserting the figures "20,000."

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

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Burgess, Cosson, De Wolf, Hammill, Hoyt, Jamieson, Smith of Mitchell, Whiting—8.

So the amendment having received a constitutional majority, was declared concurred in by the Senate.

Senator Francis asked unanimous consent of the Senate to have printed 500 extra copies of Senate File No. 152.

Consent granted.

The President announced the following communications which were read:

FEBRUARY 3, 1909.

To the Senate and House of Representatives of the Thirty-third General Assembly:

In compliance with the provisions of Section 1271 of the Code I beg to advise you that Mr. C. E. Pickett of Waterloo, Iowa, a Regent of the State

University, has filed with me his resignation as such Regent and the same has been accepted to take effect at once.

This notice is given in order that you may select his successor in the manner provided by law.

Respectfully yours,

B. F. CARROLL,
Governor.

FEBRUARY 3, 1909.

To the Senate and House of Representatives of the Thirty-third General Assembly:

In compliance with the provisions of Section 1271 of the Code I beg to advise you that Hon. George W. Clarke, of Adel, Iowa, filed with my predecessor in office on the 31st day of December last his resignation as a Trustee of the State Normal School.

The position is temporarily filled by Mr. W. H. Harwood, of Des Moines, who was appointed by Governor Warren Garst.

I call this matter to your attention so that you may fill the same by election as provided by law.

Respectfully yours,

B. F. CARROLL,
Governor.

The journal of yesterday was taken up, corrected and approved.

Senator Maytag offered the following resolution and moved its adoption:

Resolved, That the President of the Senate be authorized to appoint one additional page.

Adopted.

Senator Frudden moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 5, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. William George Ramsey of Eldora, Iowa.

On request of Senator Allen of Van Buren, leave of absence was granted Senator Van Law until Monday.

On request of Senator Mattes, leave of absence was granted Senator Sammis until next Monday.

PETITIONS AND MEMORIALS.

Senator Stuckslager presented petition from attorneys of Jones and Linn Counties, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Proudfoot presented petition from the members of the Bar of Clarke County, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Hammill presented remonstrance of residents of Franklin County, against the extension of terms of office of county officers from two to four years.

Referred to Committee on Elections.

Senator DeWolf presented petition from Iowa Dental Society, favoring the passage of a law for the control of venereal diseases.

Referred to Committee on Public Health.

REPORTS OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 148, a bill for an act to amend the law as it appears in Section five hundred ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend Section two by striking out the word "paid" at the end of the fourth line thereof, and by inserting in lieu thereof, the word "earned," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 101, a bill for an act changing the name and official title of the various poor farms of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 101.

A Bill for an Act to Amend Sections Two Thousand Two Hundred Thirty-two (2232), Two Thousand Two Hundred Thirty-three (2233), Two Thousand Two Hundred Thirty-four (2234), Two Thousand Two Hundred Forty-one (2241), Two Thousand Two Hundred Forty-two (2242), Two Thousand Two Hundred Forty-three (2243), Two Thousand Two Hundred Forty-four (2244), Two Thousand Two Hundred Forty-five (2245), Two Thousand Two Hundred Forty-six (2246), Two Thousand Two Hundred Forty-eight (2248), and Two Thousand Two Hundred Forty-nine (2249) of the Code, Relating to the Care and Support of the Poor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Section two thousand two hundred thirty-two (2232), two thousand two hundred thirty-three (2233), two thousand two hundred thirty-four (2234), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), and two thousand two hundred forty-nine (2249) of the Code are hereby amended by striking from each of said sections the word "poor-house," wherever the same occurs, and inserting in lieu thereof the words "county home," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second times and passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 54, a bill for an act to repeal Section 2119 of the Code relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor.

C. R. BENEDICT,
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. 7, a bill for an act for the preservation and improvement of Medium Lake and the islands therein, and placing the same within the jurisdiction of the city of Emmetsburg.

C. R. BENEDICT,
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. 123, a bill for an act to amend Section 850-j of the Supplement to the Code, 1907, relating to park districts.

C. R. BENEDICT,
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. 18, a bill for an act to amend the law, as the same appears in Section 1087-a-34 of the Supplement to the Code, 1907, relating to primary elections.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 43, a bill for an act making an appropriation to pay the additional employees of the 33rd General Assembly.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 44, a bill for an act making appropriation for the purchase of 20,000 copies of the Railroad Commissioners' official maps to be distributed by members of the General Assembly and Railroad Commissioners.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 65, a bill for an act to repeal the law as it appears in Section 232 of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEES.

Senator Brown, from the Committee on Military, Submitted the following report:

MR. PRESIDENT—Your committee on Military, to whom was referred Senate File No. 139, a bill for an act providing for the completion and distribution of the Roster of Iowa Soldiers, Sailors and Marines, as provided by Chapter 223, laws of the Thirty-second General Assembly, fixing the number of volumes, and making an additional appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend title by inserting after the word "Assembly" therein the words, amending "said chapter." Amend the bill by striking out Section two (2) and inserting the following:

SEC. 2. That the edition of each volume hereafter printed shall be five thousand instead of ten thousand as provided by said Chapter, one-half of which edition shall be bound in half sheep and the remainder shall be stitched and stored for future use and so bound whenever required for sale or distribution; two hundred sets of said roster and record shall be placed in the hands of the Adjutant General for exchange with libraries of other states, War Department Library and the Librarian of Congress and such other institutions of other states as have extended, or may hereafter extend, like courtesy to this state and the remainder shall be disposed of as provided in Section three (3) of the aforesaid Chapter, which said Section is hereby amended to conform to the provisions of this act, and when so amended the bill be referred to committee on appropriations.

J. D. BROWN,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your committee on Military, to whom was referred House File No. 34, a bill for an act to amend the law as it appears in Section twenty-six hundred four (2604) of the Supplement to the Code, 1907, relative to the perquisites of officers of the Iowa Soldiers' Home, beg leave to report they have had the same under consideration and recommend the same do pass.

J. D. BROWN.

Chairman.

Adopted.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs and Suburban Railway Company, a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

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

By Senator Saunders, Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.

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

By Senator McManus, Senate File No. 155, a bill for an act to appropriate One Thousand Dollars (\$1,000) to assist in the erection of a monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa.

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

By Senator Brown, Senate File No. 156, a bill for an act requiring the license now paid by itinerant vendors of patent medicines to the state pharmacy commission, be paid into the county treasury for the use of the road fund.

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

By Senator Hammill, Senate File No. 157, a bill for an act to amend the law as it appears in Chapter Two-a (2-a), Title Ten (10), of the Supplement to the Code, 1907, relating to levees,

ditches, drains and water courses and providing for work beyond the boundary lines of the district and for the acquirement by condemnation of lands therefor by adding thereto the following:

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

By Senator Seeley, Senate File No. 158, a bill for an act amending Section Thirteen Hundred and Ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another state or territory.

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

Senator Seeley asked unanimous consent to withdraw Senate File No. 5 from the Committee on Charitable Institutions.

Consent granted.

Senator Smith of Des Moines from the Committee on Charitable Institutions returned Senate File No. 5, to the Senate.

Senator Seeley asked unanimous consent to withdraw Senate File No. 5, from further consideration of the Senate.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Seeley, Senate File No. 159, a bill for an act to provide for an annual vacation with pay for officers and other employees of all state institutions under the supervision of the Board of Control, and repealing the law as it appears in Chapter 195 of the Acts of the Thirty-second General Assembly.

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

By Senator Smith of Des Moines, Senate File No. 160, a bill for an act relating to the production and distribution of antitoxin in Iowa, by the bacteriological laboratory of the medical department of the State University at Iowa City and making appropriations therefor.

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

By Senator Francis, Senate File No. 161, a bill for an act to amend Chapter One Hundred Twenty (120) of the laws of the

Twenty-sixth General Assembly (26th G. A.) by making it the duty of Dickinson County to maintain the dam in said act provided for, and granting an appropriation of One Thousand Dollars (\$1,000) to aid therein, and providing for a guard over said dam at certain periods.

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

By Senator Francis, Senate File No. 162, a bill for an act amending the law as it appears in Section Thirteen Hundred Sixty-one (1361) of the Supplement to the Code, 1907, and Section Thirteen Hundred Fifty-four (1354) and Section Thirteen Hundred Fifty-five (1355) of the Code relating to the making of affidavit in assessment of property.

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

By Senator Larrabee, Senate File No. 163, a bill for an act to amend Sections Two Thousand Five Hundred and Thirty (2530) and Two Thousand Five Hundred and Thirty-six (2536) of the Supplement to the Code, relating to state veterinary surgeon.

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

HOUSE MESSAGES CONSIDERED.

House File No. 54, a bill for an act to repeal Section Twenty-one Hundred and Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the board of railway commissioners, and to enact a substitute therefor.

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

House File No. 7, a bill for an act for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the City of Emmetsburg.

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

House File No. 123, a bill for an act to amend Section Eight Hundred Fifty-j (850-j) of the Supplement to the Code, 1907, relating to Park Districts.

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

House File No. 18, a bill for an act to amend the law, as the same appears in Section Ten Hundred Eighty-seven-a-thirty-four (1087-a-34) of the Supplement to the Code, 1907, relating to primary elections.

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

Senate File No. 43, a bill for an act making an appropriation to pay the additional employees of the Thirty-third General Assembly.

Passed on file.

Senate File No. 44, a bill for an act making appropriation for the purchase of twenty thousand (20,000) copies of the Railroad Commissioners Official Maps to be distributed by the members of the General Assembly and Railroad Commissioners.

Senator Maytag moved that the Senate concur in the following House amendment:

Amend by striking out the word and figures "sixty (60)" in Section One, Line Seven, and inserting in lieu thereof the words and figures "seventy-five (75)."

On the question, "Shall the Senate concur in the House Amendment?"

The ayes were:

Senators Bennett, Bruce, Taylor, White—4.

The nays were:

Senators Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, Wilson—37.

Absent or not voting:

Senators Adams, Allen of Pocahontas, De Wolf, Foley, Jamieson, Moon, Sammis, Van Law, Whiting—9.

So the Senate refused to concur in the House amendment.

HOUSE MESSAGE CONSIDERED.

Senate File No. 65, a bill for an act to repeal the law as it appears in Section Two Hundred Thirty-two (232) of the Supplement to the Code, 1907, and enact a substitute therefor relating to the schedule of time of holding terms of court.

Senator Saunders moved that the Senate concur in the following House amendment:

HOUSE AMENDMENT.

Amend by striking out after the word "court" in the twelfth line of Section One, the following words and figures, "and cause such order to be published once each week for four weeks in some weekly newspaper published in such county, if there be any such published."

On the question, "Shall the Senate concur in the House amendment:

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Burgess, Jamieson, Sammis, Van Law, Whiting—5.

So the amendment having received a constitutional majority was declared concurred in by the Senate.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 3, a bill for an act to repeal the law as it appears in Section Fourteen Hundred Fifty-seven (1457) of the Supplement to the Code and to enact a substitute therefor, relating to the subject of loaning or depositing public funds, with report of committee recommending amendments and passage, was taken up and considered.

By unanimous consent the motion filed on February 1st by Senator De Armand, to reconsider the vote by which Senate File No. 3 passed the Senate, was withdrawn.

On motion of Senator De Armand, Senate File No. 129, a bill for an act to amend Section Nine Hundred Ninety-five (995) of the Code, relating to powers and duties of commissioners in cities of special charter, was taken up and considered.

The bill was read for information.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Brown, Dowell, Foley, Jamieson, Larrabee, Sammis, Van Law, Whiting—8.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Seeley, Senate File No. 104, a bill for an act to amend Section 1400 of the Code of 1897, fixing the time when taxes on personal property become a lien thereon, was taken up and considered.

Senator Seeley offered the following amendment and moved its adoption:

I move to amend by striking out the words "That Section 1400 of the Code of 1897," in the first line of Section One, and inserting in lieu thereof the following:

“That the law as it appears in Section (1400) of the Supplement to the Code, 1907,” and by adding to Section One of the bill the following: “And that the law as it appears in said section of the Supplement to the Code, 1907, be further amended by striking out the words, “the date of levy” in the last line of said section and inserting in lieu thereof the following, “December 31st next following.”

Adopted.

Senator Peterson moved that the bill be re-referred to the Committee on Judiciary.

Carried.

So the bill was re-referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor.

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

By Senator De Wolf, Senate File No. 165, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.

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

By Senator Foley, Senate File No. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

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

Senator Foley asked unanimous consent to have Senate File No. 78 withdrawn from the Committee on Public Health.

Consent granted.

Senator Clark, from the Committee on Public Health, returned to the Senate, Senate File No. 78.

Senator Foley asked unanimous consent to withdraw from the consideration of the Senate, Senate File No. 78.

Consent granted.

Senator Francis offered the following resolution which was laid over under the rules.

Resolved, That J. H. Stewart be detailed to assist J. G. Cook in his work as File Clerk.

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

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 42, a bill for an act to amend the law as it appears in Section forty-six hundred-a (4600-a) of the Supplement to the Code, 1907, relating to the compensation of justices of the peace and constables.

HENRY L. ADAMS,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 67, a bill for an act to amend Section fifty-four hundred forty-eight (5448) of the Code, relating to the time in which an appeal may be taken from the final judgment in criminal cases.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File

No. 42, a bill for an act to amend the law as it appears in Section forty-six hundred-a (4600-a) of the Supplement to the Code, 1907, relating to the compensation of justices of the peace and constables.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 67, a bill for an act to amend Section fifty-four hundred forty-eight (5448) of the Code relating to the time in which an appeal may be taken from the final judgment in criminal cases.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 42 and 67.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your committee on enrolled bills respectfully report that they have this day sent to the governor for his approval, Senate File No. 67, a bill for an act to amend Section fifty-four hundred forty-eight (5448) of the Code relating to the time in which an appeal may be taken from the final judgment in criminal cases.

Also:

Substitute for Senate File No. 42, a bill for an act to amend the law as it appears in Section forty-six hundred-a (4600-a) of the Supplement to the Code, 1907, relating to the compensation of justices of the peace and constables.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Hammill moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 6, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Charles H. Van Metre of Belmond, Iowa.

On request of Senator Taylor, leave of absence was granted Senator Bruce for the day.

On request of Senator Gilliland, leave of absence was granted Senator Sammis until Monday.

On request of Senator Balkema, leave of absence was granted Senator Fitchpatrick until Monday.

On request of Senator Frudden, leave of absence was granted Senator De Armand until Monday.

On request of Senator Whipple, leave of absence was granted Senator Seeley until Monday.

On request of Senator Hunter, leave of absence was granted Senator Allen of Pocahontas until Tuesday.

On request of Senator Clarkson, leave of absence was granted Senator Saunders until Monday.

On request of Senator Mattes, leave of absence was granted Senator Clark until Monday.

On request of Senator Adams, leave of absence was granted Senator McCulloch for the day.

On request of Senator Wilson, leave of absence was granted Senator Hoyt until Tuesday.

PETITIONS AND MEMORIALS.

Senator Burgess presented petition from Judicial Chambers, Sioux City, Iowa, favoring the passage of a bill increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state on January 1st, 1908, from the requirements of the law which appears as Sections 2510-b, 2510-c, 2510-d and 2510-h of the Supplement to the Code, 1907.

C. R. BENEDICT,
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. 5, a bill for an act to amend the law as it appears in Section 1532-a, Supplement to the Code of 1907, relative to the duties of township trustees; the election and compensation of road superintendent; the division and consolidation of road districts and the collection of property road tax.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 5, a bill for an act to amend the law as it appears in Section Fifteen Hundred Thirty-two-a (1532-a) Supplement, to the Code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax.

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

Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the State on January 1st, 1908, from the requirements of the law which appears as Sections Two Thousand Five Hundred and Ten-b (2510-b), Two Thousand Five Hundred and Ten-c (2510-c), Two Thousand Five Hundred and Ten-d (2510-d) and Two Thousand Five Hundred and Ten-h (2510-h) of the Supplement of the Code, 1907.

Passed on file.

REPORT OF COMMITTEE.

Senator Smith of Mitchell, 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. 33, a bill for an act to amend Chapter four (4), Title seven (7) of the Code, relating to the collection of a tax upon inheritances, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "exclusive of real estate therein, or the proceeds of the sale thereof," and the brackets enclosing them in lines 3 and 4 of Section 1.

Also by striking out the words "net one-third" in line 13 of Section 1 and inserting in lieu thereof the words "legal share."

Also by striking out the words and figures "Section 1467-f" in line 3 of Section 1.

Also by striking out the words "Section Fourteen Hundred and Sixty-seven (1467) of the Code" in line 1 of Section 1 and inserting in lieu thereof the words "The law as it appears in Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907."

Also to amend the title by making it read "A bill for an act to amend the law as it appears in Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907, relating to the collection of a tax upon inheritances," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 33, a bill for an act to amend Chapter Four (4), Title Seven (7), of the Code, relating to the collection of a tax upon inheritances, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved the adoption of the following amendments:

By striking out the words "exclusive of real estate therein, or the proceeds of the sale thereof" and the brackets enclosing them in lines 3 and 4 of Section 1.

Also by striking out the words "net one-third" in line 13 of Section 1 and inserting in lieu thereof the words "legal share."

Also by striking out the words and figures "Section 1467-f" in line 3 of Section 1.

Also by striking out the words "Section Fourteen Hundred and Sixty-seven (1467) of the Code" in line 1 of Section 1 and inserting in lieu thereof the words "The law as it appears in Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907."

Adopted.

Senator Gilliland moved that the further consideration of the bill be postponed.

Carried.

On motion of Senator Larrabee, Senate File No. 119, a bill for an act to amend Sections Fifteen Hundred and Seventy-one-b (1571-b), Fifteen Hundred and Seventy-one-c (1571-c), Fifteen Hundred and Seventy-one-e (1571-e) and Fifteen Hundred and Seventy-one-f (1571-f) of the 1907 Supplement to the Code, in reference to motor vehicles, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved the adoption of the following amendments:

Amend the title of the bill by striking out the figures "1907" as they appear in the 4th line thereof, and by inserting after the word "Code," in said 4th line the figures "1907."

Amend Section 1 by striking out the figures "1907" as they appear in the second line thereof, and insert after the word "Code" in said line, the figures "1907."

Amend Section 2 by striking out the figures "1907" as they appear in the second line thereof, and inserting after the word "Code" in said second line, the figures "1907."

Amend Section 3 by striking out the figures "1907" as they appear in the second line thereof, and by adding after the word "Code" in said second line, the figures "1907."

Amend Section 4, by striking out the figures "1907" as they appear in the second line thereof, and by inserting after the word "Code" in said second line, the figures "1907."

Amend Section 5 by striking out the word "Daily" in the third line thereof, and inserting in lieu thereof the word "Des Moines."

Adopted.

Senator Larrabee moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clarkson, Cosson, Dowell, Foley, Francis, Frudden, Gilliland, Hammill, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Chapman, Clark, De Armand, De Wolf, Fitchpatrick, Gates, Hoyt, Jamieson, McCulloch, Sammis, Saunders, Seeley, Van Law, Whiting—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Proudfoot filed the following motion:

I move to reconsider the vote by which the Senate concurred in the House amendment to Senate File No. 65.

A. V. PROUDFOOT.

REPORTS OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 162, a bill for an act amending the law as it appears in Section thirteen hundred sixty-one (1361) of the Supplement to the Code, 1907, and Section thirteen hundred fifty-four (1354), and Section thirteen hundred fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 20, a bill for an act to define an "Absentee" and to provide for the care and management of the estate of such absentee and for the distribution of his or her estate by an administrator or executor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 20.

A Bill for an Act to Repeal the Law Which Appears as Section Thirty-three Hundred and Seven (3307) of the Supplement to the Code, 1907, Relating to the Estates of Absentees, and Enacting a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

Section Thirty-three Hundred and Seven (3307) of the Supplement to the Code, 1907, is hereby repealed and the following is enacted in lieu thereof:

SEC. 3307. When any resident of this state, or any person who may have been a resident of the state at any time absents himself or has already absented himself from his usual place of residence, or conceals his whereabouts from his family, or has gone to parts unknown for a period of one year, leaving property, real or personal, or who shall have inherited or may inherit property situated within the state or who shall have acquired or may acquire property or property rights in any other way within the state, and who has not made any sufficient provision for the management of the same, is declared to be an absentee within the meaning of this Act, and a petition may be filed in the district court of any county where such property is situated, setting forth such facts, by any person who has knowledge thereof, praying for the issuance of letters of guardianship, whereupon the court or judge shall prescribe a notice to be given to such absentee, and order the same to be published in a newspaper published in said county to be designated by the court or judge, once each week for four consecutive weeks. Proof of the publication of such notice shall be made in the manner and for the time ordered, and shall at the expiration of said period be filed with said petition, and thereupon if the absentee does not appear, letters of guardianship upon his estate shall issue to any person who the court shall deem competent to act and the court shall have jurisdiction over the estate of such person in the same manner and to the same extent as is now given to said court in the laws relating to the estates of minors, except that real estate cannot be sold without first giving to the heirs at law and wife, if any, of said absentee, a notice thereof, in manner as provided by Section thirty-two hundred and seven (3207) of the Code.

SEC. 3307-a. The guardian must qualify as required in the matter of such estates, and shall not be discharged on the return and re-appearance of such person or absentee, until discharged by the court, but shall retain his powers and rights and be subject to all his official liabilities and duties until so discharged.

SEC. 3307-b. Whenever the sale or mortgage of the real estate of such absentee is necessary for the support of his family or the payment of his debts, or it is for the best interests of the estate, the guardian may, with the approval of the court, sell or mortgage the same.

SEC. 3307-c. If such absentee does not return within seven years from the date of his disappearance, then such guardian, after the expiration of one year from his appointment, shall file application for the appointment of an administrator of the estate of such absentee, which shall be

granted upon proof of such absence for such period. In the event that any such person has left a last will and testament, the same shall then be filed for probate and such guardian shall account for the estate in his hands to such appointee. The estate shall be administered upon in the same manner as if the person had died within the jurisdiction of the court.

SEC. 3307-d. The guardian of any absentee as described in this Act, may, with the approval of the court, complete the contracts of such absentee or any authorized contracts of a guardian who has died or been removed, in the same manner and by like proceedings as the contracts of one deceased may be, under order of the court.

SEC. 3307-e. The property of such absentee, real and personal, and all his rights, obligations and choses in action shall be subject to the same liabilities, rights, management and disposal under this act in all respects as if such person were known to be incapacitated or to be deceased, and all adjudications and acts done by such guardian or administrator shall be valid, effectual and binding on such person should he return, as if they were his own acts, the acts and doings of such guardian or administrator being made in good faith, without fraud, and with the approval of the court, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 7, a bill for an act for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the city of Emmetsburg, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 81, a bill for an act to repeal Chapter one hundred and eighty-one (181) of the laws as enacted by the Thirty-second General Assembly of the State of Iowa relating to the assumption of risks, and providing a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 81.

A Bill for an Act to repeal Section Forty-nine Hundred and Ninety-nine-a-three (4999-a-3), Supplement to the Code, 1907, Relating to the Assumption of Risks and Providing a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section forty-nine hundred and ninety-nine-a-three (4999-a-3), Supplement of the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof. That in all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work, machinery or appliances to furnish reasonably safe machinery, appliances or place to work, the employe shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employe may have had knowledge when the employer had knowledge of such defect, or by the exercise of reasonable care and caution could have known thereof for such reasonable time to have repaired the same. Nor shall the employe under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 167, a bill for an act making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the State sanatorium for the treatment of tuberculosis.

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

MESSAGE 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:

Concurrent Resolution relative to joint committee to visit state institutions.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 168, a bill for an act to appropriate money for the use of the State hospital for inebriates at Knoxville, Iowa.

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

By Senator Smith of Mitchell, Senate File No. 169, a bill for an act amending Section Thirty-four Hundred Fifty-six (3456) and additional to Chapter Two (2) of Title Eighteen (18) of the Code, relating to limitations of actions.

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

By Senator Cosson, Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the City of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.

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

THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 81, a bill for an act to repeal Chapter One Hundred and Eighty-one (181) of the Laws as enacted by the Thirty-second General Assembly of the State of Iowa, relating to the assumption of risks, and providing a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved that the substitute be substituted for the original bill.

Carried.

Senator Clarkson moved that substitute for Senate File No. 81, be made a Special Order for Wednesday morning at 10:30 A. M.

Carried.

Senator Francis asked unanimous consent to take up for consideration the resolution offered by him yesterday, relative to detailing J. H. Stewart to assist J. G. Cook in his work as File Clerk.

Consent granted.

Senator Francis moved the adoption of the resolution.

Adopted.

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

Senator Nichols moved that the Senate do now adjourn until 10:00 o'clock, A. M., Monday.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 8, 1909.

Senate met in regular session at 10:00 o'clock A. M., President Clarke, presiding.

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

On request of Senator Mattes, leave of absence was granted Senator Maytag for the day.

On request of Senator Hunter, leave of absence was granted Senator Dowell until Wednesday.

On request of Senator Taylor, leave of absence was granted Senator Brown for the day.

On request of Senator Moon, leave of absence was granted Senator Chapman for the day.

On request of Senator Gilliland, leave of absence was granted Senator Whipple until tomorrow.

On request of Senator Adams, leave of absence was granted Senator McCulloch until tomorrow.

PETITIONS AND MEMORIALS.

Senator Van Law presented remonstrance from residents of Marshall County against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Adams presented remonstrance from the officers and patrons of the school township of French Creek, Allamakee County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Balkema offered the following Concurrent Resolution, which was laid over under the rules.

Resolved by the Senate, the House Concurring, That no Legislative session of either House shall be held on Friday, February 12, except for the purpose of holding Lincoln memorial services and that when adjournment is taken on Friday, February 12, 1909, it be until Tuesday, February 16, at 10 A. M.

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. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, fixing the levy for the fire fund in cities of the second class.

C. R. BENEDICT,
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. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

C. R. BENEDICT,
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. 9, a bill for an act to repeal Section three thousand three hundred and seven (3307) of the Supplement to the Code, 1907, relating to administrations of the estates of absentees, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 43, a bill for an act making an appropriation to pay the additional employees of the Thirty-third General Assembly.

Also:

Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state on January 1st, 1908, from the requirements of the law which appears as Section two thousand five hun-

dred and ten-b (2510-b), two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d) and two thousand five hundred and ten-h (2510-h), of the Supplement to the Code, 1907.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 43, a bill for an act making an appropriation to pay the additional employees of the Thirty-third General Assembly.

Also:

Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state on January 1st, 1908, from the requirements of the law, which appears in Section two thousand five hundred and ten-b (2510-b) two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d) and two thousand five hundred and ten-h (2510-h) of the Supplement to the Code, 1907.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 9 and 43.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on enrolled bills submitted the following report, and moved its adoption:

MR. PRESIDENT—Your committee on enrolled bills respectfully report that they have this day sent to the governor for his approval, Senate File No. 43, a bill for an act making an appropriation to pay the additional employees of the Thirty-third General Assembly.

Also:

Senate File No. 9, a bill for an act exempting stocks of paint in the hands of jobbers and dealers in the state on January 1, 1908, from the requirements of the law which appears as Section two thousand five hundred and ten-b (2510-b), two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d) and two thousand five hundred and ten-h (2510-h) of the Supplement to the Code 1907.

HENRY L. ADAMS,
Chairman.

Adopted.

INTRODUCTION OF BILLS.

By Senator Peterson, Senate File No. 171, a bill for an act to repeal Sections Four Hundred Sixteen (416), Four Hundred Seventeen (417), Four Hundred Eighteen (418), Four Hundred Nineteen (419) of the Code, relating to supervisor districts and to abolish supervisor districts heretofore created and to fix the day on which the term of office of members of the Board of Supervisors shall commence and end.

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

By Senator Peterson, Senate File No. 172, a bill for an act to amend Section Twenty-six Hundred and One (2601) of the Code, relating to admission of inmates to the Iowa Soldier's Home located at Marshalltown.

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

By Senator Clark, Senate File No. 173, a bill for an act to prevent the unsanitary production and distribution of food and defining the duties of State and local boards of health in relation thereto.

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

HOUSE MESSAGES CONSIDERED.

Senate Concurrent Resolution relative to Joint Committee to visit State institutions.

Passed on file.

House File No. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, fixing the levy for the fire fund in cities of the second class.

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

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

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

House File No. 9, a bill for an act to repeal Section Three Thousand Three Hundred and Seven (3307) of the Supplement to the

Code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor.

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

Senator Larrabee asked unanimous consent to have Senate File No. 163, withdrawn from the Committee on Appropriations.

Consent granted.

Senator Maytag, from the Committee on Appropriations, returned to the Senate, Senate File No. 163.

Senator Larrabee asked that Senate File No. 163, be referred to the Committee on Agriculture.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Bruce, Senate File No. 174, a bill for an act creating a legislative business committee to visit, inspect, examine and investigate State institutions, officers, departments, commissions, and the official acts, doings and proceedings of State officers and employees, defining the duties, power and authority of such committee, and providing for an appropriation to defray the expenses incurred by such committee.

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

THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 33, a bill for an act to amend Chapter Four (4), Title Seven (7), of the Code, relating to the collection of a tax upon inheritances, was taken up and considered.

Senator Gilliland offered the following amendment and moved its adoption. Amend by striking out of Section One (1) all after the word "following" as it appears in the second line of the original bill, down to and including the word "large" in Line Fourteen (14) of the original bill and insert in lieu thereof the following:

"Where the share of the inheritance falling to the father, mother, lineal descendant, step-child, adopted child or lineal descendant of a step-child or adopted child, after the payment of all debts and other expenses as provided in this act, exceeds the sum of Ten Thousand (\$10,000) Dollars, such excess shall be subject to a tax

as follows: On the first Ten Thousand (\$10,000) Dollars or fraction thereof, one per centum; on the second Ten Thousand (\$10,000) Dollars or fraction thereof, two per centum; on the third Ten Thousand (\$10,000) Dollars or fraction thereof, three per centum; on the fourth Ten Thousand (\$10,000) Dollars or fraction thereof, four per centum; and on any sum or interest beyond such fourth Ten Thousand (\$10,000) Dollars, five per centum.

Senator Mattes moved that Senate File No. 33, be referred to the Committee on Judiciary.

Carried.

On motion of Senator Van Law, House File No. 34, a bill for an act to amend the law as it appears in Section Twenty-six Hundred Four (2604) of the Supplement to the Code, 1907, relative to the perquisites of officers of the Iowa Soldiers' Home, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Van Law moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Taylor, Van Law, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Chapman, Dowell, Hoyt, McCulloch, Maytag, Sammis, Savage, Smith of Mitchell, Stucklager, Whipple, Whiting—13.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 101, a bill for an act changing the name and official title of the various Poor Farms of the State of Iowa, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the substitute be substituted for the original bill.

Carried.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Chapman, Dowell, Hoyt, McCulloch, Maytag, Parshall, Sammis, Whipple, Whiting—11.

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 Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House File No. 28, a bill for an act to amend Section one, Chapter five, of the Acts of the Sixteenth General Assembly of the State of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa.

Also:

House File No. 11, a bill for an act to repeal Section thirty-two hundred and sixty-eight (3268) of the Code, relative to the time and manner of examination of bonds of guardians, executors, administrators, and trustees, by clerk of the district court, and to enact a substitute therefor.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

The President announced that he had signed in the presence of the Senate, House File 28 and House File 11.

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 insists upon its amendments to S. F. No. 44, in which the concurrence of the Senate was asked:

Senate File No. 44, a bill for an act making appropriation for the purchase of 20,000 copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners, and asks for conference committee and the Speaker names as conference committee on part of House: Moore of Linn, Lee of Emmet, Stillman of Greene, Anderson of Hamilton, Dodds of Des Moines.

C. R. BENEDICT,

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. 145, a bill for an act to legalize the action of the board of supervisors of Sioux County, Iowa, relating to the sale of school lands in section 12, township 95, north of range 48, west of the fifth principal meridian, Sioux County, Iowa, and to authorize the Governor to issue a patent therefor to John H. Hutchinson.

C. R. BENEDICT,

Chief Clerk.

Also:

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

Concurrent Resolution relative to printing the report of the state highway commission.

C. R. BENEDICT,

Chief Clerk.

On motion of Senator Saunders, Senate File No. 148, a bill for an act to amend the law as it appears in Section Five Hundred Ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendment:

Amend Section Two by striking out the word "paid" at the end of the fourth line thereof, and by inserting in lieu thereof, the word "earned."

Adopted.

Senator Peterson offered the following amendment and moved its adoption:

Amend by adding after the figures "1907" as they appear in the second line of Section Two, of the printed bill, the words "for serving civil process."

Adopted.

Senator Adams offered the following amendment and moved its adoption:

Strike out of Section 2, commencing in line 4, the following: "Where such mileage has heretofore been collected and covered into the County Treasury, such officer shall be entitled to collect same from the County which has received such mileage."

Senator Adams moved the previous question on the amendment.

Carried.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Cosson, Francis, Frudden, Gates, Gilliland, Hunter, Jamieson, Larrabee, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law—27.

The nays were:

Senators Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Hammill, Quigley, Saunders, Savage, White, Wilson—12.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Chapman, Dowell, Hoyt, McCulloch, Maytag, Moon, Sammis, Whipple, Whiting—11.

So the amendment was adopted.

Senator Saunders moved that Senate File No. 148, be re-referred to the Committee on Judiciary.

Carried.

The President announced the following communication which was read:

To the Iowa Senate of the Thirty-third General Assembly:

Your honorable body is invited to be present in the Chamber of the House on the afternoon of Feb. 15, 1909, on the occasion of a public ceremony to install the portrait of General James B. Weaver in the portrait collection of the Historical Department of the state. The Governor of Iowa, Honorable Wm. Jennings Bryan, and other eminent citizens will attend and participate in said ceremony.

N. J. LEE,
EDW. McDONALD,
JOHN W. JACOBS,
Committee.

Senator Allen of Van Buren moved that the Senate accept the invitation.

Carried.

HOUSE MESSAGES CONSIDERED.

House File No. 145, a bill for an act to legalize the action of the Board of Supervisors of Sioux County, Iowa, relating to the sale of school lands in Section Twelve (12), Township Ninety-five (95), north of Range Forty-eight (48), west of the Fifth (5th) principal meridian, Sioux County, Iowa, and to authorize the Governor to issue a patent therefor to John H. Hutchinson.

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

Senate File No. 44, a bill for an act making appropriation for the purchase of 20,000 copies of the Railroad Commissioners' official maps to be distributed by the members of the General Assem-

bly and Railroad Commissioners, and asks for Conference Committee and the Speaker names as Conference Committee on part of House: Moore of Linn, Lee of Emmet, Stillman of Green, Anderson of Hamilton, Dodds of Des Moines.

Passed on file.

House Concurrent Resolution, relative to printing the report of the State Highway Commission.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, The law creating the state highway commission makes no provision for the printing of its annual reports made to the Governor; and

WHEREAS, The said reports contain a large amount of information of special interest and value to the farmers and road builders of Iowa;

Resolved by the House, the Senate Concurring, That ten thousand (10,000) copies of said annual reports for the year ending July 1, 1907 and for the year ending July 1, 1908, be printed in pamphlet form for distribution by said highway commission.

Passed on file.

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

Senator Proudfoot moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 9, 1909.

Senate met in regular session at 10:00 o'clock A. M., President pro tem Smith presiding.

Prayer was offered by the Rev. Finis Idleman of Des Moines, Iowa.

On request of Senator Bennett, leave of absence was granted Senator Chapman for the day.

PETITIONS AND MEMORIALS.

Senator Francis presented petition of residents of Dickinson County, favoring the passage of a law making certain changes in the fish and game laws of the State.

Referred to Committee on Fish and Game.

Senator Francis presented remonstrance against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Francis presented remonstrance of residents of Dickinson County against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

INTRODUCTION OF BILLS.

By Senator Fitchpatrick, Senate File No. 175, a bill for an act making appropriations to Iowa State College of Agriculture and Mechanic Arts.

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

By Senator Francis, Senate File No. 176, a bill for an act to amend the law as it appears in Section Five Hundred Eighty-six (586) and Section Eight Hundred Ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of the Cemetery Tax.

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

By Senator Moon, Senate File No. 177, a bill for an act requiring the partial inclosure of platforms on street cars.

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

By Senator Saunders, Senate File No. 178, a bill for an act authorizing the execution on the part of the State of Iowa to Henry B. Jennings and Charles A. Beno, a Quit Claim deed to a part of Sections Twenty-two (22), and Twenty-seven (27), Township Seventy-six (76), North Range Forty-four (44), west of the Fifth principal meridian in Pottawattamie County, Iowa.

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

By Senator Saunders, Senate File No. 179, a bill for an act to amend the law as it appears in Sections Two Hundred Fifty-four-a-Thirteen (254-a-13), Two Hundred Fifty-four-a Fourteen (254-a-14), Two Hundred Fifty-four-a-Fifteen (254-a-15), Two Hundred Fifty-four-a-Sixteen (254-a-16), Two Hundred Fifty-four-a-Seventeen (254-a-17), Two Hundred Fifty-four-a-Eighteen (254-a-18), Two Hundred Fifty-four-a-Nineteen (254-a-19), Two Hundred Fifty-four-a-Twenty (254-a-20), Two Hundred Fifty-four-a-Twenty-one (254-a-21), Two Hundred Fifty-four-a-Twenty-two (254-a-22), Two Hundred Fifty-four-a-Twenty-three (254-a-23), Two Hundred Fifty-four-a-Twenty-four (254-a-24), Two Hundred Fifty-four-a-Twenty-five (254-a-25), Two Hundred Fifty-four-a-Twenty-six (254-a-26), Two Hundred Fifty-four-a-Twenty-seven (254-a-27), Two Hundred Fifty-four-a-Twenty-eight (254-a-28), Two Hundred Fifty-four-a-Twenty-Nine (254-a-29), Two Hundred Fifty-four-a-Thirty (254-a-30), of the Supplement to the Code, 1907, relating to Juvenile Courts, Detention Homes and Schools, and conferring concurrent jurisdiction upon Superior Courts with District Courts of proceedings brought under said Sections.

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

By Senator Allen of Van Buren (by request), Senate File No. 180, a bill for an act appropriating Two Hundred Fifty-one Dollars and Ninety Cents (\$251.90) to John M. Wyrick to reimburse him for expenses and services in the extradition of a fugitive from justice.

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

By Senator White, Senate File No. 181, a bill for an act to appropriate money for the use of the State sanatorium for the treatment of tuberculosis at Oakdale, Iowa.

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

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. 157, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

C. R. BENEDICT,
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. 179, a bill for an act to repeal Section three hundred fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor.

C. R. BENEDICT,
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. 150, a bill for an act to repeal Section five hundred three (503) of the Code relating to bailiffs and enacting a substitute therefor.

C. R. BENEDICT,
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. 79, a bill for an act to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-

works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water-works.

C. R. BENEDICT,
Chief Clerk.

Senator Larrabee offered the following Concurrent Resolution, which was laid over under the rules.

SENATE CONCURRENT RESOLUTION.

Memorializing the Iowa Members in Congress to use Their Influence for
the Conservation of Natural Resources.

WHEREAS, There is great interest being taken throughout the country with regard to the conservation of our natural resources; .

WHEREAS, The time has arrived when under the principle and policy of the "Greatest Good to the Greatest Number" it would appear that all duties on lumber and forest products should be removed and the same be placed on the free list:

Be it Resolved by the Senate, the House Concurring:

SECTION 1. That our senators and representatives in Congress are respectfully requested to use their influence and power to cause all duties to be removed from lumber and forest products, that the same be placed on the free list.

SEC. 2. That laws be passed by Congress protecting and preserving as much as possible the forests, mineral products, and other natural resources of this country.

SEC. 3. That copies of this resolution duly authenticated be sent to each of our senators and representatives in the congress of the United States.

HOUSE MESSAGES CONSIDERED.

House File No. 157, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

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

House File No. 179, a bill for an act to repeal Section Three Hundred Fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor.

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

House File No. 150, a bill for an act to repeal Section Five Hundred Three (503) of the Code, relating to bailiffs and enacting a substitute therefor.

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

Senate File No. 79, a bill for an act to legalize a special election of the City of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council, relating to such water-works.

Passed on file.

Senator Nichols asked unanimous consent to take up for consideration House Concurrent Resolution, relative to the printing of 10,000 Copies of the reports of the State Highway Commission to be distributed by said Commission.

Consent granted.

Senator Van Law moved that the resolution under consideration be referred to the Committee on Highways.

Carried.

Senator Stuckslager asked unanimous consent to take up for consideration Senate Concurrent Resolution relative to visiting committees to the State institutions.

Consent granted.

Senator Stuckslager moved that the Senate concur in the following House amendments.

By striking out the word "six," as the same appears in the House Journal, in the second line thereof and inserting the word "five." By striking out the word "three" in the second line thereof and inserting the word "two." By inserting after the word "House" in the sixth line thereof the following: "Provided, however, that said committee shall on or before the first day of March visit and investigate the State University, the State Normal College and the State College of Agriculture and Mechanic Arts."

That said resolution be further amended by inserting after the word "institution" in the eighth line, as the same appears in the House Journal, the following: "Under the supervision and control of the State Board of Control."

Carried.

REPORTS OF COMMITTEES.

Senator Gilliland, 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. 74, a bill for an act to amend Section eight hundred and ninety-four (894) of the Supplement to the Code, 1907, relating to levying special taxes by cities and towns, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, 1907, fixing the levy for the fire fund in cities of the second class, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 128, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, 1907, relating to levy for fire fund, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 22, a bill for an act to amend Section 740 of the 1907 Supplement to the Code relating to aiding by taxation the maintenance of institutions of learning or benevolence acquired by gift or devise by any city, town, school corporation or county, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike out of line two of the title to the bill before the word "Supplement" the figures "1907" and insert the same with commas after the word "Code" in said line.

Strike out of line two of Section 1 before the word "Supplement" the figures "1907" and insert the same with commas after the word "Code" in said line.

Strike out the word "shall" in the second line of Section 2 and substitute the word "may" therefor.

Strike out the words "after five years of continuance of such tax aid" in the fifth line of Section 2 and insert in lieu thereof the words "in such event," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 54, a bill for an act for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of Emmetsburg and making appropriation therefor, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator W. B. Seeley, 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. 102, a bill for an act to amend the law as it appears in Section three hundred and eight (308) of the supplement to the Code, 1907, relating to the compensation of county attorneys, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 102.

A Bill for an Act to Amend the Law as it Appears in Section Three Hundred and Eight (308) of the Supplement to the Code, 1907, Relating to the Compensation of County Attorneys.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section three hundred and eight (308) of the Supplement to the Code, 1907, is hereby amended by adding to said Section the following: "In counties where the district court is held at two places in the county, the board of supervisors may allow to the county attorney, in addition to the salary above provided, a sum not to exceed two hundred and fifty dollars (\$250.00);"

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Substitute was read first and second time and passed on file.

Also :

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 151, a bill for an act repealing Section five hundred and ninety (590) of the Code relating to township trustees and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 150, a bill for an act to amend the law as it appears in Section 511 of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners, beg leave to report they have had the same under consideration and recommend the same do pass.

W. B. SEELEY,
Chairman.

Senator Peterson, from the Committee on Elections, submitted the following report :

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 108, a bill for an act to amend the law as it appears in Section eleven hundred and six (1106) of the Supplement to the Code, 1907, relating to election ballots, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out the word "seventh" in the fifth line of Section one (1) and inserting in lieu thereof the word "sixth" and by striking out the word "eighth" in the seventh line of said Section and inserting in lieu thereof the word "seventh" and by striking out the word "tenth" in the last line of said Section and inserting in lieu thereof the word "ninth," and when so amended the bill do pass.

C. F. PETERSON,
Chairman.

Ordered passed on file.

Senator Balkema asked unanimous consent of the Senate to take up for consideration Senate Concurrent Resolution relative to Lincoln memorial services and adjournment from February 12 until Tuesday, February 16.

Consent granted.

Senator Saunders offered the following amendment and moved its adoption :

Amend by striking out "Tuesday, February 16, at 10:00 A. M." and inserting in lieu thereof "February 15, at 1:45 P. M."

Senator Frudden moved the previous question.

Carried.

The amendment was adopted.

On the adoption of the resolution as amended a roll call was demanded.

On the question, "Shall the resolution be adopted?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Clark, Clarkson, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Hammill, McCulloch, McManus, Mattes, Peterson, Quigley, Ream, Sammis, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Wilson—28.

The nays were:

Senators Bennett, Cosson, De Armand, Foley, Gilliland, Hoyt, Hunter, Jamieson, Larrabee, Maytag, Moon, Nichols, Parshall, Proudfoot, Savage, Seeley, White, Whiting—18.

Absent or not voting:

Senators Adams, Chapman, Dowell, Stuckslager—4.

So the resolution was adopted.

THIRD READING OF BILLS.

By unanimous consent on motion of Senator Proudfoot, Senate File No. 65, a bill for an act to repeal the law as it appears in Section Two Hundred Thirty-two (232) of the 1907 Supplement to the Code, and enact a substitute therefor, relating to the schedule of times of holding terms of court, was taken up and considered.

The motion of Senator Proudfoot filed on February 6th, to reconsider the vote by which the Senate concurred in the House amendments was lost.

INTRODUCTION OF BILLS.

By Senator Allen of Van Buren, Senate File No. 182, a bill for an act for the relief of the grantees of Joel J. Bradshaw, and

for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

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

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 102, a bill for an act to amend the law as it appears in Section Three Hundred and Eight (308) of the Supplement to the Code, 1907, relating to the compensation of County Attorneys, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Saunders moved that the substitute be substituted for the original bill.

Carried.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Burgess, Chapman, De Wolf, Dowell, Frudden—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Allen of Pocahontas, filed the following motion:

I move that the vote by which the Concurrent Resolution introduced by Senator Balkema, providing for adjournment, be reconsidered.

J. H. ALLEN.

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 162, a bill for an act amending the law as it appears in Section Thirteen Hundred Sixty-one (1361) of the Supplement to the Code, 1907, and Section Thirteen Hundred Fifty-four (1354) and Section Thirteen Hundred Fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Brown, Burgess, Chapman, De Wolf, Dowell, McCulloch, Maytag—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, House File No. 7, a bill for an act for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the City of Emmetsburg, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—47.

The nays were:

None.

Absent or not voting:

Senators Chapman, Dowell, Ream—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Saunders was called to the Chair at 11:40 o'clock A. M.

INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 183, a bill for an act regulating certain classes of advertisements, prohibiting other classes, and providing a penalty for violation thereof.

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

THIRD READING OF BILLS.

On motion of Senator De Armand, Senate File No. 20, a bill for an act to define an "absentee" and to provide for the care and management of the estate of such absentee and for the distribution of his or her estate by an administrator or executor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that Senate File No. 20 be re-referred to the Committee on Judiciary.

Carried.

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

INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 184, a bill for an act repealing Sections Sixteen Hundred and Ten (1610), Sixteen Hundred and Twelve (1612), Sixteen Hundred and Eighteen (1618), and Sixteen Hundred and Forty-one-d (1641-d), of the Supplement to the Code, 1907; also Sections Sixteen Hundred and Fifteen (1615) and Sixteen Hundred and Thirty-seven (1637) of the Code, and enacting substitutes therefor; also repealing Section Sixteen Hundred and Eighteen-b (1618-b) of the Supplement to the Code, 1907, all in relation to corporations for pecuniary profit.

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

Senator Bennett moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 10, 1909.

Senate met in regular session at 10:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. James M. Williams of Council Bluffs, Iowa.

On request of Senator Smith of Mitchell, leave of absence was granted Senator Bruce indefinitely.

On request of Senator Clarkson, leave of absence was granted Senator Chapman indefinitely.

PETITIONS AND MEMORIALS.

Senator Seeley presented remonstrance from citizens of Henry County against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Mattes presented petition from the Board of Supervisors of Sac County, favoring the passage of a bill amending the health laws of the State.

Referred to Committee on Public Health.

Senator Proudfoot presented petition from residents of Warren County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator De Armand presented remonstrance from Turner Societies of the State of Iowa, protesting against the passage of a Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from residents of Van Buren County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Sammis, Senate File No. 185, a bill for an act to amend Section Two Thousand Five Hundred and Eighty-nine-b (2589-b) of the Code Supplement, 1907, relative to the requirements of applicants for registration as pharmacists.

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

By Senator Sammis, Senate File No. 186, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) of the Code Supplement, 1907, relative to the issuance of stock by corporations in consideration for property or things other than money.

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

By Senator Sammis, Senate File No. 187, a bill for an act to amend Section Three Thousand and Sixty-eight (3068) of the Code, relative to the use of corporate seals.

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

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. 100, a bill for an act to amend Section 792 of the Code to provide for the oiling of streets and assessing the cost thereto to abutting property.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 69, a bill for an act to repeal the law as it appears in Section 5040-a, Chapter 12 of the Supplement to the Code, 1907, and to enact a substitute therefor relating to Memorial Day.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator McManus, Senate File No: 188, a bill for an act to amend Section Two Hundred and Twenty-nine (229) of the Code of 1897.

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

By Senator Smith of Des Moines, Senate File No. 189, a bill for an act to compensate Jonah Smith for services as chaplain at Camp McKinley for the period from June 24th to September 5th, 1898, and to make an appropriation therefor.

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

By Senator Bennett, Senate File No. 190, a bill for an act to repeal Sections Twenty-five Hundred and Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), and Twenty-five Hundred and Seventy-b (2570-b) of the Supplement to the Code, 1907, relating to the care of infected persons and payment of quarantine expenses, and to enact a substitute therefor.

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

By Senator Saunders, Senate File No. 191, a bill for an act appropriating the sum of Two Hundred Nine Dollars and Twelve Cents (\$209.12) for the relief of N. W. Williams on account of work done for the state for which he has not been paid.

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

By Senator Allen of Van Buren, Senate File No. 192, a bill for an act to provide for the consolidation of the first and second judicial districts of the state of Iowa and the district as then constituted to be known as the Second Judicial District of the State of Iowa, and changing the name of the first judicial district of the State of Iowa.

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

By Senator Hoyt, Senate File No. 193, a bill for an act to appropriate money for the use of the Independence State Hospital at Independence, Iowa.

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

By Senator Van Law, Senate File No. 194, a bill for an act to amend Section Two Hundred Fifty (250) of the Code, relating to the probate powers conferred upon clerk and providing for the probate of wills in vacation.

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

By Senator Van Law, Senate File No. 195, a bill for an act to amend Section Thirty-two Hundred Eighty-three (3283) of the Code relating to the probate of wills.

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

By Senator Van Law, Senate File No. 196, a bill for an act to amend Section Forty-eight Hundred Ninety-eight (4898) of the Code, relating to breaking jail and escape of prisoners from custody.

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

HOUSE MESSAGES CONSIDERED.

House File No. 100, a bill for an act to amend Section Seven Hundred Ninety-two of the Code to provide for the oiling of streets and assessing the cost thereto to abutting property.

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

House File No. 69, a bill for an act to repeal the law as it appears in Section Five Thousand and Forty-a (5040-a), Chapter Twelve (12) of the Code Supplement of 1907, and to enact a substitute therefor, relating to Memorial Day.

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House File No. 34, a bill for an act to amend the law as it appears in Section twenty-six hundred four (2604) of the Supplement to the Code, 1907, relative to the perquisites of officers of the Iowa soldiers' home.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 65, a bill for an act to repeal the law as it appears in Section two hundred thirty-two (232) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

Also:

Senate File No. 79, a bill for an act to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water-works.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 65, a bill for an act to repeal the law as it appears in Section two hundred thirty-two (232) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

Also:

Senate File No. 79, a bill for an act to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water works.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, House File 34, Senate Files Nos. 65 and 79.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your committee on enrolled bills respectfully report that they have this day sent to the Governor for his approval, Senate File No. 65, a bill for an act to repeal the law as it appears in Section two hundred thirty-two (232) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

Also:

Senate File No. 79, a bill for an act to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water-works.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF COMMITTEE.

Senator Bruce, from the committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 142, a bill for an act to amend Section sixteen hundred fifty-seven-d (1657-d), sixteen hundred fifty-seven-k (1657-k) and sixteen hundred fifty-seven-t (1657-t) of the Supplement to the Code, relative to the department of agriculture, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out all that part of Section two following the word "Direct and quotation marks" in line eight thereof. It is further recommended that the bill be referred to the committee on appropriations, and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Adopted.

So the bill was referred to Committee on Appropriations.

Senator Allen of Pocahontas, asked unanimous consent to take up for consideration the motion filed by him yesterday to reconsider the vote by which the Senate adopted Senate Concurrent Resolution relative to Lincoln memorial services and adjournment from February 12th to February 16th at 1:45 P. M.

Consent granted.

The motion to reconsider carried.

Senator Smith of Mitchell offered the following amendment and moved its adoption.

I move to amend adjournment resolution by striking out all portions making it a Concurrent Resolution, leaving it simply a Senate resolution providing for Senate adjournment.

Adopted. .

The resolution as amended was adopted.

THIRD READING OF BILLS.

The time for the Special Order having arrived the Senate took up for consideration Senate File No. 81, a bill for an act to repeal Chapter One Hundred and Eighty-one (181) of the laws as enacted by the Thirty-second General Assembly of the State of Iowa, relating to the assumption of risks, and providing a substitute therefor.

Senator Saunders offered the following amendment and moved its adoption:

Amend Section One of the bill by inserting after the word "work" in the sixteenth line of the Section as printed in the Journal of February 6, 1909, the words "or unless the employe shall have had knowledge of such defect and shall have failed within a reasonable time to give notice of it to the employer."

By unanimous consent the amendment was withdrawn.

Senator Saunders offered the following amendment and moved its adoption:

Amend Section One of the substitute by inserting after the word "work" in the sixteenth line in the Section as printed in the Journal of February 6, 1909, the words, "or unless the employe shall have had knowledge of such defect and shall have failed within a reasonable time to give notice thereof to the employer but such notice from the employe where such employer has had actual knowledge of such defect shall not be necessary."

Senator Hammill moved that the bill be re-referred to the committee on Judiciary.

Senator De Wolf raised the point of order that the bill had been considered, an amendment offered and a roll call ordered on the amendment and that it is now not in order to re-refer the bill to the Committee on Judiciary.

The Chair ruled the point of order not well taken.

Senator Smith of Mitchell; moved that the time of adjournment be extended 15 minutes.

Carried.

On the motion to re-refer the bill a roll call was demanded.

Those favoring the motion were:

Senators Adams, Brown, Burgess, Clark, Cosson, De Armand, Foley, Francis, Gates, Gilliland, Hammill, McCulloch, Maytag, Nichols, Parshall, Proudfoot, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple—24.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Clarkson, De Wolf, Dowell, Fitchpatrick, Frudden, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Moon, Peterson, Quigley, Ream, Savage, Van Law, White, Whiting, Wilson—23.

Absent or not voting:

Senators Bruce, Chapman, McManus—3.

So the motion prevailed, and the bill was re-referred to the Committee on Judiciary.

Senator Hunter asked unanimous consent to have printed 500 extra copies of Senate File No. 34.

Consent granted.

Senator Cosson asked unanimous consent to have printed 500 extra copies of Senate File No. 131.

Consent granted.

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

Julia E. Downey, Committee Clerk for the Committee on Printing, appeared before the bar of the Senate and was duly sworn.

Senator Francis moved that the Senate do now adjourn until 10:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 11, 1909.

Senate met in regular session at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. H. E. Van Horn of Des Moines, Iowa.

On request of Senator Nichols, leave of absence was granted Senator Wilson until Tuesday.

PETITIONS AND MEMORIALS.

Senator Stuckslager presented petition from citizens of Linn County, favoring the passage of the Sunday Amusement Bill.

Referred to Committee on Judiciary.

Senator Whiting presented remonstrance from residents of Crawford County, against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Hammill presented remonstrance from residents of Hancock County against the enactment of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

The President presented memorial from the German-American Central Alliance of Davenport, Scott County, Iowa, protesting against the enactment of Sunday Observance Law, which was read.

Referred to Committee on Judiciary.

The President presented memorial from the German-American Central Alliance of Davenport, Scott County, Iowa, protesting against the re-submission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren, presented remonstrance from citizens of Van Buren County, Iowa, against the enactment of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Bennett presented remonstrance from citizens of Lenox, Iowa, against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

INTRODUCTION OF BILLS.

By Senator Seeley (by request) Senate File No. 197, a bill for an act to grant to certain officers and other employees of the State institutions under the control of the Board of Control of State institutions annual vacations with pay and to repeal Chapter One Hundred Ninety-five (195) of the Acts of the Thirty-second General Assembly.

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

By Senator Whipple, Senate File No. 198, a bill for an act to create a State Board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Section Two Thousand Six Hundred Seventeen (2617), Two Thousand Six Hundred Eighteen (2618), Two Thousand Six Hundred Nineteen (2619), Two Thousand Six Hundred Twenty (2620), Two Thousand Six Hundred Thirty-five (2635), Two Thousand Six Hundred Thirty-six (2636), Two Thousand Six Hundred Forty-two (2642), Two Thousand Six Hundred Forty-six (2646), Two Thousand Six Hundred Forty-seven (2647), Two Thousand Six Hundred Fifty (2650), Two Thousand Six Hundred Fifty-one (2651), Two Thousand Six Hundred Fifty-two (2652), Two Thousand Six Hundred Fifty-three (2653), Two Thousand Six Hundred Sixty-eight (2668), Two Thousand Six Hundred Sixty-nine (2669), Two Thousand Six Hundred Seventy (2670), Two Thousand Six Hundred Eighty-one (2681), of the Code, and the law as it appears in Sections Two Thousand Seven Hundred Twenty-seven-a-Fifty-three (2727-a-53), Two Thousand

Seven Hundred Twenty-seven-a-Fifty-four (2727-a-54), Two Thousand Seven Hundred Twenty-seven-a-Fifty-five (2727-a-55), Two Thousand Seven Hundred Twenty-seven-a-Fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts, and parts of acts inconsistent with this act.

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

By Committee on Charitable Institutions, Senate File No. 199, a bill for an act to repeal the law as it appears in Section Fifty-seven Hundred and Eighteen-a-Twenty-nine (5718-a-29) and Section Fifty-seven Hundred and Eighteen-a-Thirty (5718-a-30) of the Supplement to the Code, 1907, relative to annual vacations for officers and guards of the penitentiaries.

Read first and second time and placed on Calendar.

By Senator Hammill, Senate File No. 200, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition grounds.

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

By Senator Savage, Senate File No. 201, a bill for an act making appropriations to the State Historical Society of Iowa.

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

By Senator Balkema, Senate File No. 202, a bill for an act to repeal Section Four Thousand Eleven (4011) of the Code and to enact a substitute therefor, relative to personal earnings.

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

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. 37, a bill for an act to repeal Section 2445 of the Code and to enact a substitute therefor relating to the disposition to be made by the board of supervisors of the mulct tax.

C. R. BENEDICT,
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. 161, a bill for an act to amend Sections 2708, 2709 as they appear in Supplement to the Code, 1907, relating to the age at which boys or girls may be committed to the industrial school.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Proudfoot, Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the Council of said town had thereunder.

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

Senator Francis offered the following resolution:

Resolved, That the custodian be instructed to provide for turning on the lights in the Senate Chamber whenever needed.

By unanimous consent the resolution was taken up for consideration.

Senator Francis moved the adoption of the resolution.

Adopted.

The President announced the following communication, which was read:

KINSMAN POST No. 7, G. A. R.
DES MOINES, IOWA, FEB. 9, 1909.

Hon. George W. Clarke, Lt. Gov., Iowa State Capitol Bldg., City.

MY DEAR GOV.—In behalf of Kinsman and Crocker Posts, G. A. R., I take great pleasure in extending to you and through you to the members of the Honorable Senate, a cordial invitation to attend the exercises given at Plymouth Congregational Church, West Eighth and Pleasant streets, February 12 at 7:30 P. M., commemorative of the centennial anniversary of the birth of Abraham Lincoln.

Very respectfully,

J. H. KOONS,
Sec'y Joint Committee.

HOUSE MESSAGES CONSIDERED.

House File No. 37, a bill for an act to repeal Section Twenty-four Hundred and Forty-five (2445) of the Code and to enact a substitute therefor.

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

House File No. 161, a bill for an act to amend Sections Twenty-seven Hundred Eight (2708), Twenty-seven Hundred Nine (2709), as they appear in Supplement to the Code, 1907, relating to the age at which boys or girls may be committed to the Industrial Schools.

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

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 33, a bill for an act to amend the law as it appears in Section fourteen hundred and sixty-seven (1467) of the Supplement to the Code, 1907, relating to the collection of a tax upon inheritances, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 33.

A Bill for an Act to Amend the Law as it Appears in Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907, Relating to the Collection of a Tax Upon Inheritances.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section fourteen hundred and sixty-seven (1467) of the Supplement to the Code, 1907, is hereby amended by adding thereto the following:

Where the share passing to the father, mother, lineal descendant, stepchild, adopted child or lineal descendant of a stepchild or adopted child of decedent, after the payment of the debts and other expenses provided in Chapter four (4), Title seven (7) of the Code, exceeds in value ten thousand (\$10,000) dollars, such excess shall be subject to a tax as follows: On the first ten thousand (\$10,000) dollars or fraction thereof, one per centum; on the second ten thousand (\$10,000) dollars or fraction thereof, two per centum; on the third ten thousand (\$10,000) dollars or fraction thereof, three per centum; on the fourth ten thousand (\$10,000) dollars or fraction thereof, four per centum; and on any sum or interest beyond such fourth ten thousand (\$10,000) dollars, five per centum. All the provisions of said chapter relating to the manner of enforcement and collection of the collateral inheritance tax shall apply to the enforce-

ment and collection of the collateral inheritance tax shall apply to the enforcement and collection of the tax herein provided.

SEC. 2. This act shall not apply to the estates of persons deceased at the time of its publication.

SEC. 3. Being deemed of immediate importance this act shall be in force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 98, a bill for an act for the relief of the grantees, O. J. Felton, and for the purpose of having a patent issued in the name of Thos. Willmont for a certain tract of land, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 98.

A Bill for an Act Authorizing the Governor of the State of Iowa to issue patent attested by the Secretary of State to certain land to and in favor of O. J. Felton, being the property situated in Linn County, Iowa, described as follows, to-wit: The Southwest Quarter (S. W. $\frac{1}{4}$) of the Northwest Quarter (N. W. $\frac{1}{4}$) and the Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of Section Sixteen 16), Township Eighty-five (85) North, Range five (5) West of the 5th P. M.

WHEREAS, The Southwest Quarter (S. W. $\frac{1}{4}$) of the Northwest Quarter (N. W. $\frac{1}{4}$) and the Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of Section sixteen, Township eighty-five (85) north, Range five (5) West of the 5th P. M., was of date August 7th, 1850, by an act of Congress conveyed to the State of Iowa for state school purposes, and:

WHEREAS, The State of Iowa has never parted with title to the said premises or any part thereof but the legal title is now and at all times were since August 7th, 1850, vested in the State of Iowa, and:

WHEREAS, The said premises was of date November 30th, 1863 by the Treasurer of Linn County, Iowa, by tax title deed conveyed to R. P. Kingman, and:

WHEREAS, Of date October 3rd, 1864, the Treasurer of Linn County, Iowa, by tax title deed conveyed the same land in subsequent conveyance to R. P. Kingman, and:

WHEREAS, Of date October 19th, 1869, the Treasurer of Linn County, Iowa, by tax title deed conveyed the same land in subsequent conveyance to R. P. Kingman, and:

WHEREAS, The usual and assessed taxes were at times paid upon said premises, before the tax sales herein referred to, and:

WHEREAS, Of date February 4th, 1882, R. P. Kingman and wife conveyed the Southwest Quarter (S. W. $\frac{1}{4}$) of the Northwest Quarter (N. W.

$\frac{1}{4}$) of said Section sixteen (16), Township eighty-five (85), Range five (5) West of the 5th P. M., to William Shoemaker by quit claim deed, and:

WHEREAS, Of date April 5th, 1882, William Shoemaker and wife by special warranty deed conveyed the said Southwest Quarter (S. W. $\frac{1}{4}$) of the Northwest Quarter (N. W. $\frac{1}{4}$) of said Section sixteen to Thomas Kula, and:

WHEREAS, Of date December 22nd, 1864, R. P. Kingman and wife by warranty deed conveyed the Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of said Section sixteen, Township eighty-five, Range five West of the 5th P. M. to E. A. Warner, and:

WHEREAS, Of date December 16th, 1872, by warranty deed, E. A. Warner and wife conveyed the said South-east Quarter (S. E. $\frac{1}{4}$) of the South-west Quarter (S. W. $\frac{1}{4}$) of said Section sixteen to Mathew M. Cline, and:

WHEREAS, Of date June 19th, 1879, by quit claim deed Nelson G. Isbel and widow, and Calina M. Isbel, heirs at law of the late Norman W. Isbel, deceased, conveyed the Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of said Section sixteen to E. A. Warner, and:

WHEREAS, Of date June 19th, by quit claim deed Nelson G. Isbel and wife, George A. Isbel, heirs at law of the late Norman W. Isbel, deceased, conveyed the said Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of said Section sixteen, Township Eighty-five North, Range five West of the 5th P. M. to E. A. Warner, and:

WHEREAS, Of date January 2nd, 1882, by warranty deed, Mathew M. Cline and wife conveyed the said Southeast Quarter (S. E. $\frac{1}{4}$) of the Southwest Quarter (S. W. $\frac{1}{4}$) of Section sixteen to Thomas Kula, and:

WHEREAS, Of date October 8th, 1900, by warranty deed, Thomas Kula and wife conveyed the Southeast quarter (S. E. $\frac{1}{4}$) of the Southwest quarter (S. W. $\frac{1}{4}$) of the Northwest quarter (N. W. $\frac{1}{4}$) of said Section sixteen to Oliver J. Felton, and:

WHEREAS, The said O. J. Felton and his grantors aforesaid has been in actual possession and occupancy of the said premises for a period of more than fifty years last past, improved the same, paid taxes thereon, claimed the same as their own and in every respect were the absolute and unqualified owners thereof subject only to the rights, title and interest which the State of Iowa has therein, and:

WHEREAS, The premises aforesaid and the lands adjoining to said premises were appraised at the value of one dollar and twenty-five cents (\$1.25) per acre at or about the time when the said R. P. Kingman obtained tax title deeds as aforesaid and that lands adjoining the said premises were purchased from the State of Iowa in kind and character at the rate of one dollar and twenty-five cents (\$1.25) per acre at or about the time when the said R. P. Kingman obtained tax title deeds to the lands as herein described, therefore:

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That upon the payment of one dollar and twenty-five cents (\$1.25) per acre by the said O. J. Felton to the Secretary of State of the State of Iowa for the use and benefit of the school funds as

by law provided, the Governor of the State of Iowa, be and he is hereby empowered and authorized to execute a patent, attested by the Secretary of State to and in favor of the said O. F. Felton, constituting an instrument of conveyance covering the North east quarter of the Northwest quarter, and the Southeast quarter of the Southwest quarter of Section sixteen, Township Eighty-five North Range five West of the 5th P. M., which shall constitute an absolute conveyance of all rights, title and interest of which the State of Iowa may have in and to said premises or any part thereof and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and 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 Forty-eight hundred ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 179, a bill for an act to amend Section three hundred fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the city of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor of the election held on said establishment and the acts of the clerk of said court in establishing said court and the canvassing said acts and the result and the appointment of the judge thereof and the successor and the official acts, orders, judgments and decrees of the judges and the court and all the proceedings and the acts of the clerk thereof and all the aforesaid matters, acts, and proceedings to be done exactly as if the law in every particular had been complied with, beg leave to

report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
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 to amend Section sixteen hundred sixty-one-a (1661-a) of the Supplement to the Code relative to state aids to county and district fairs, beg leave to report they have had the same under consideration and recommend the same be amended as follows: That the words "the law as it appears in" be inserted following the word "amend" in the first line of the title; also that the figures "1907" be inserted following the word "Code" in the second line of the title; also that the word "of" following the word "supplement" in the second line of the title be stricken out and the word "to" be inserted in lieu thereof;

That Section one (1) be amended by inserting the words "the law as it appears in" following the word "that" in the first line: also that the figures "1907" be inserted following the word "code" in the second line of said section, and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By inserting after the word "commission" and before the period "." in the last line of Section two (2) the words: "provided, however, that said commission shall not expend in the erection of said pedestal a sum in excess of thirty (30%) per cent. of the amount of the popular subscription made for the erection of said monument, and in no event shall said

commission expend to exceed ten thousand (\$10,000.00) dollars," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Adopted.

Senator Smith of Des Moines, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred Senate File No. 172, a bill for an act to amend Section 2601 of the Code relating to admission of inmates to the Iowa Soldiers' Home located at Marshalltown, beg leave to report they have had the same under consideration and recommend the same do pass.

F. N. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred Senate File No. 159, a bill for an act to provide for an annual vacation with pay for officers and other employes at all state institutions under the supervision of the Board of Control, and repealing the law as it appears in Chapter 195 of the Acts of the Thirty-second General Assembly, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

F. N. SMITH,
Chairman.

Adopted.

So the bill was indefinitely postponed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams 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. 7, a bill for an act for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the city of Emmetsburg.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

INTRODUCTION OF BILLS.

By Senator White, Senate File No. 204, a bill for an act making appropriations for the State University.

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

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File 154, a bill for an act to create a Commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison, and making an appropriation to defray the expenses thereof, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Amend by inserting after the word "commission" and before the period "(.)" in the last line of Section Two (2), the words "provided however that said commission shall not expend in the erection of said pedestal a sum in excess of thirty (30) per cent of the amount of the popular subscription made for the erection of said monument, and in no event shall said commission expend to exceed Ten Thousand (\$10,000) Dollars.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting—40.

The nays were:

Senators Gilliland, Quigley, Whipple—3.

Absent or not voting:

Senators Allen of Pochontas, Bruce, Chapman, De Wolf, McManus, White, Wilson—7.

So the amendment was adopted.

The bill as amended was read for information.

Senator Saunders moved the adoption of the following amendment:

Amend by inserting the word "authorized" before the word "expense" in the fourth line of Section Four (4).

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—41.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, De Wolf, Hoyt, McManus, Parshall, Quigley, White, Wilson—9.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President announced that he had signed, in the presence of the Senate, House File No. 7.

On motion of Senator Saunders, Senate File No. 150, a bill for an act to amend the law as it appears in Section Five Hundred Eleven (511) of the Supplement to the Code 1907, relating to the compensation of sheriffs for boarding prisoners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De

Wolf, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—37.

The nays were:

Senators Adams, McCulloch, Parshall—3.

Absent or not voting:

Senators Bruce, Chapman, Dowell, Foley, Hoyt, McManus, Nichols, Sammis, Smith of Mitchell, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 22, a bill for an act to amend the law as it appears in Section Seven Hundred and Forty (740) of the 1907 Supplement to the Code, relating to aiding by taxation the maintenance of any institution of learning or benevolence, including hospitals acquired by any county, city, town or school corporation by gift or devise, with report of committee recommending passage, amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Peterson moved the adoption of the following amendment:

Strike out of line Two of the Title to the bill before the word "Supplement," the figures "1907" and insert the same with comma after the word "Code" in said line.

Strike out of Line Two of Section 1, before the word "Supplement" the figures "1907" and insert the same with cammas after the word "Code" in said line.

Strike out the word "shall" in the second line of Section 2 and substitute the word "may" therefor.

Strike out the words "after five years of continuance of such tax aid" in the fifth line of Section 2 and insert in lieu thereof the words "in such event."

Adopted.

The bill as amended was read for information.

Senator Francis offered the following amendment and moved its adoption:

Amend Section 2, by adding after the word "resolution" in the fourth line thereof the following, "and shall upon petition of 10 per cent of those who voted at the last preceding election held by such municipality or school corporation."

By unanimous consent the amendment was withdrawn.

Senator Proudfoot offered the following amendment and moved its adoption:

I move to amend the bill by striking out of Section 2 all after the word "rebuilding" as the same appears in line 3 of the printed bill.

By unanimous consent the amendment was withdrawn.

Senator Francis offered the following amendment and moved its adoption:

Amend by adding after the word "resolution" in the 4th line of Section 2, the following:

"And shall at any time even though such property be not destroyed, whenever the petition therefor is filed, signed by 25 per cent of those who voted at the last preceding election held in such municipality or school corporation."

Senator Peterson moved that the further consideration of Senate File No. 22 be postponed and it be made a Special Order for Tuesday at 10:30 A. M.

Carried.

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

Senator Smith of Mitchell moved that the time for adjournment be extended 15 minutes.

Carried.

INTRODUCTION OF BILLS.

By Senator Hunter (by request), Senate File No. 205, a bill for an act to amend Section Thirty-two Hundred Seventy (3270) of the Code, relating to the disposal of property by will.

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

Senator Smith of Mitchell, moved to reconsider the vote by which the Senate adopted the resolution, relative to Lincoln Memorial and

adjournment of the Senate from February 12th until 1:45 o'clock Monday, February 15.

Carried.

Senator Smith of Mitchell, offered the following substitute for the resolution:

Resolved, That when the Senate adjourn tomorrow it be to reconvene Monday, February 15th at 1:45 o'clock, P. M.

Adopted.

The resolution as amended was adopted.

Senator Saunders moved that when the Senate adjourn today it be until tomorrow at 1:45 o'clock, P. M.

Carried.

The President announced as Conference Committee on Senate File No. 44, on part of the Senate, Senators Maytag, Larrabee, Balkema, Ream and White.

Senator Allen of Van Buren, moved that the Senate do now adjourn.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 12, 1909.

Senate met pursuant to adjournment at 1:45 o'clock, P. M., President Clarke presiding.

Prayer was offered by the Rev. R. D. Echlin of Sioux City, Iowa.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren, presented petition from blacksmiths of Fairfield, Iowa, favoring the passage of an amendment to the lien laws to include blacksmiths.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from residents of Buchanan County, favoring the passage of a bill prescribing rules and regulations for conducting hotels, inns and public lodging houses.

Referred to Committee on Public Health.

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

The President announced as Visiting Committee on part of the Senate to visit the several State institutions under the direction of the Committees on Appropriations: Senators Stuckslager and Maytag.

A committee from the House appeared and announced that the House was ready to receive the Senate, for the purpose of Lincoln Memorial exercises.

Senator Francis moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:45 o'clock, P. M., Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 15, 1909.

Senate met pursuant to adjournment at 1:45 o'clock, P. M., President Clarke presiding.

Prayer was offered by the Rev. J. P. Burling of Des Moines, Iowa.

On request, Senator Gilliland was granted leave of absence until Thursday morning.

PETITIONS AND MEMORIALS.

Senator Hoyt presented remonstrance from residents of Delaware County, against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Cosson presented petition from citizens of the State of Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 206, a bill for an act to amend the law as it appears in Chapter Fourteen-c of the Supplement to the Code, 1907, relating to the government of cities, and conferring additional powers upon such cities.

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

By Senator Hunter, Senate File No. 207, a bill for an act to repeal the law as it appears in Section Sixteen Hundred and Ninety-nine (1699) of the Code, relating to the investment of funds of

insurance companies other than life, organized under Chapter Four (4) of the Code and to enact a substitute therefor.

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

By Senator Seeley, Senate File No. 208, a bill for an act to amend Section Eighteen Hundred and Fifty-seven (1857) of the Code, relating to the dissolution of Savings Banks.

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

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

Senator Dowell moved that the Senate do now adjourn until 10:00 o'clock A. M., tomorrow.

Senator Nichols moved to amend by striking out the words, "10:00 o'clock" and inserting in lieu thereof "9:00 o'clock."

Carried.

The motion as amended was carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 16, 1909.

Senate met in regular session at 9 o'clock a. m.

President Clarke presiding.

Prayer was offered by the Rev. William Jay Cady of Charles City, Iowa.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Bruce until tomorrow.

On request of Senator Nichols, leave of absence was granted Senator Sammis until Thursday.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Hammill until tomorrow.

On request of Senator Nichols, leave of absence was granted Senator Wilson until tomorrow.

PETITIONS AND MEMORIALS.

Senator Fitchpatrick presented petition from attorneys of Story County favoring the passage of a law increasing the compensation of official court reporters.

Referred to committee on Compensation of Public Officers.

Senator Frudden presented remonstrance from residents of Dubuque county against the proposed changes in the School law.

Referred to Committee on Schools.

Senator Burgess presented remonstrance from residents of Howard County against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Proudfoot presented two petitions from citizens of Warren County, favoring the passage of the Sabbath Observance Law.

Referred to Committee on Judiciary.

Senator Proudfoot presented remonstrance of citizens of Warren County, Iowa, against the enactment of the proposed School Law.

Referred to Committee on Schools.

Senator McCulloch presented two petitions from citizens of Wayne County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from residents of Van Buren County against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Clark presented remonstrance from citizens of Martinsburg, Iowa, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Brown presented remonstrance from residents of Decatur County against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Foley presented petition from the Legal Fraternity of the Twelfth Judicial District favoring the passage of a law increasing the Compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Allen of Van Buren presented petition from Methodist Episcopal Church, Birmingham, Iowa, favoring the passage of the Anti-Sunday Amusement Bill.

Referred to Committee on Judiciary.

Senator Bennett presented remonstrance from residents of Taylor and Adams Counties protesting against the enactment of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Van Law presented petition from the State Federation of religious forces in Iowa favoring the passage of the Anti-Sunday Amusement Bill.

Referred to Committee on Judiciary.

REPORTS OF COMMITTEES.

Senator Dowell from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 9, a bill for an act to repeal Section three thousand three hundred and seven (3307) of Supplement to the Code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR HOUSE FILE NO 9.

A Bill for an Act to Repeal the Law Which Appears as Section Thirty-three Hundred and Seven (3307) of the Supplement to the Code, 1907, Relating to the Estates of Absentees, and Enacting a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

Section thirty-three hundred and seven (3307) of the Supplement to the Code, 1907, is hereby repealed and the following is enacted in lieu thereof:

SEC. 3307. When any resident of this state, or any person who may have been a resident of the state, at any time, absents himself or has already absented himself from his usual place of residence, or conceals his whereabouts from his family, or has gone to parts unknown for a period of one year, leaving property, real or personal, or who shall have inherited or may inherit property situated within the state or who shall have acquired or may acquire property or property rights in any other way within the state, and who has not made any sufficient provision for the management of the same, is declared to be an absentee within the meaning of this act, and a petition may be filed in the district court of any county where such property is situated, setting forth such facts, by any person who has knowledge thereof, praying for the issuance of letters of guardianship, whereupon the court or judge shall prescribe a notice to be given to such absentee, and order the same to be published in a newspaper published in said county to be designated by the court or judge, once each week for four consecutive weeks. Proof of the publication of such notice shall be made in the manner and for the time ordered, and shall at the expiration of said period be filed with said petition, and thereupon if the absentee does not appear, letters of guardianship upon his estate shall issue to any person who the court shall deem competent to act and the court shall have jurisdiction over the estate of such person in the same manner and to the same extent as is now given to said court in the laws relating to the estates of minors, except that real estate can-

not be sold without first giving to the heirs at law and wife, if any, of said absentee, a notice thereof, in manner as provided by Section thirty-two hundred and seven (3207) of the Code.

SEC. 3307-a. The guardian must qualify as required in the matter of such estates, and shall not be discharged on the return and reappearance of such person or absentee, until discharged by the court, but shall retain his powers and rights and be subject to all his official liabilities and duties until so discharged.

SEC. 3307-b. Whenever the sale or mortgage of the real estate of such absentee is necessary for the support of his family or the payment of his debts, or it is for the best interests of the estate, the guardian may, with the approval of the court, sell or mortgage the same.

SEC. 3307-c. If such absentee does not return within seven years from the date of his disappearance, and his whereabouts are and have been unknown for seven years, then such guardian, after the expiration of one year from his appointment, shall file application for the appointment of an administrator of the estate of such absentee, which shall be granted upon proof of such absence for such period. In the event that any such person has left a last will and testament, the same shall then be filed for probate and such guardian shall account for the estate in his hands to such appointee. The estate shall be administered upon in the same manner as if the person had died within the jurisdiction of the court.

SEC. 3307-d. The guardian of any absentee as described in this act, may, with the approval of the court, complete the contracts of such absentee or any authorized contracts of a guardian who has died or been removed, in the same manner and by like proceedings as the contracts of one deceased may be, under order of the court.

SEC. 3307-e. The property of such absentee, real and personal, and all his rights, obligations and choses in action shall be subject to the same liabilities, rights, management and disposal, under this act in all respects as if such person were known to be incapacitated or to be deceased, and all adjudications and acts done by such guardian or administrator shall be valid, effectual and binding on such person should he return, as if they were his own acts. and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 182, a bill for an act for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by striking out the word "and" following the word "For," appearing in the first line thereof, and inserting in lieu thereof the word "an."

Amend the bill by striking out all of Section 1, and inserting in lieu thereof the following as Section 1:

SECTION 1. That the Governor of the State of Iowa and the Secretary of State are hereby authorized and directed to issue to the said W. F. Werner a patent, in the usual form, to part of lot one (1) in section number sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the point of beginning, containing six (6) acres; and deliver the same to the said W. F. Werner, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by inserting after the word "forthwith" in the second line thereof, and before the word "send" in the third line thereof, the following: "procure ninety-nine (99) copies of the act as published, clip the same from the newspaper, attach his certificate thereto and"

And that Section one be further amended by striking out the words "a certified copy thereof" appearing in the third line thereof, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren county, Iowa, and the acts and proceedings of the council of said town had thereunder, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 3 by adding the word "Leader" in the third line thereof, the words "a newspaper published at Des Moines, Iowa."

And that said Section be further amended by inserting after the word "Press" in the third line thereof, the words "a newspaper published at Norwalk, Iowa," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 162, a bill for an act to repeal Section one thousand one hundred eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred eighty-eight (1188) of the Code, and to enact a substitute therefor; to repeal Section one thousand one hundred ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding thereto the following:

"If any county treasurer shall elect to furnish a bond with any association or incorporation as surety as provided in this chapter the reasonable cost of such bond shall be paid by the county where the bond is filed," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Substitute for Senate File No. 81, a bill for an act to repeal Section forty-nine hundred and ninety-nine-a-three (4999-a-3), Supplement of the Code, 1907, relating to the assumption of risks and providing a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section one by striking out the period after the word "same" at the end of the twelfth line thereof, and by inserting in lieu thereof a comma, and by adding thereafter the following words: "except when in the usual and ordinary course of his employment it is the duty of such employe to make the repairs, or remedy the defects. And no contract which restricts liability hereunder shall be legal or binding," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 157, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones county, Iowa, beg leave to report they

have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 20, a bill for an act to define an "Absentee" and to provide for the care and management of the estate of such absentee and for the distribution of his or her estate by an administrator or executor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was 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 bill in which the concurrence of the Senate is asked:

House File No. 208, a bill for an act to repeal Sections 2565, 2568 of the Code, and Sections 2570-a, 2570-a-1, 2570-b, 2571 and 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health and of local boards of health, and to enact substitutes therefor.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 157, a bill for an act to amend the law as it appears in chapter two (2), two-a (2-a), title ten (10), of the Supplement to the Code, 1907, relating to levees, ditches, drains and water-courses and providing for work beyond the boundary lines of the district and for the acquirement by condemnation of lands therefor by adding thereto the following, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO 157.

A Bill for an Act to Amend the Law as it Appears in Chapter two (2), two-a (2-a), Title Ten (10) of the Supplement to the Code, 1907, Relating to Levees, Ditches, Drains and Water-courses, and Providing for Work Beyond the Boundary Lines of the District and for the Acquisition by Condemnation of Lands Therefor, by Adding thereto the Following:

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. In any case where the necessary outlet of any proposed drainage district is beyond the limits of the county wherein such district is projected, and in the judgment of the board of supervisors, expense will be saved such district by avoiding joint proceedings with such adjoining county and by proceeding as hereinafter authorized or whenever after establishment of any district it is found necessary to extend the main ditch beyond the limits of such district as established, in order to secure proper outlet therefor, the board of supervisors shall have power to so extend such outlet and to use the general funds of the district for such purposes; and generally said board of supervisors shall have full power to treat with and to make fair and equitable agreements with any land-owner, any other drainage district, ditching organization, corporation or association, within this State, whether the same may be acting under this or any other law, touching any work in which said district may be interested, or which may facilitate the flow of the waters from the lands within said district or the flow of waters from the lands lying above said district, through the ditches of said district. Where such drainage district shall find it necessary to acquire real estate for such outlet purposes it may proceed in the county where said real estate is located to condemn the same under the provisions of title ten (10), chapter four (4) of the Code, and the amendments thereto, relating to the taking of private property for works of internal improvement, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 117, a bill for an act to authorize the sheriff and county attorney when permitted by the board of supervisors, to employ the service of detectives and providing for payment therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 117.

A Bill for an Act to Authorize the Sheriff and County Attorney, When Permitted by the Board of Supervisors, to Employ the Service of Detectives and Providing for Payment Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Whenever, in the judgment of the board of supervisors of any county, it is necessary for the detection and apprehension of perpetrators of crimes committed within their county, the sheriff and county attorney, or either of them, may be authorized to employ detective service.

SEC. 2. The sheriff or county attorney, as the case may be, shall file with the county auditor an itemized verified statement of all expenses incurred by reason of such service, which statement shall be audited by said board, and paid from the general fund of the county.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 146, a bill for an act relating to bonds furnished by county officers, and providing for the cost of same, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 194, a bill for an act to amend Section two hundred fifty (250) of the Code, relating to the probate powers conferred upon clerk, and providing for the probate of wills in vacation, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 195, a bill for an act to amend Section thirty-two hun-

dred eighty-three (3283) of the Code, relating to the probate of wills, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

HOUSE MESSAGE CONSIDERED.

House File No. 208, a bill for an act to repeal Sections Twenty-five Hundred Sixty-five (2565), Twenty-five Hundred Sixty-eight (2568) of the Code, and Sections Twenty-five Hundred Seventy-a (2570-a), Twenty-five Hundred Seventy-a-1 (2570-a-1), Twenty-five Hundred Seventy-b (2570-b), Twenty-five Hundred Seventy-one (2571) and Twenty-five Hundred Seventy-two (2572) of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health and of local Boards of Health, and to enact substitutes therefor.

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

• THIRD READING OF BILLS.

By unanimous consent, Senate took up for consideration, Special Order, Senate File No. 22, a bill for an act to amend the law as it appears in Section Seven Hundred and Forty (740) of the 1907 Supplement to the Code, relating to aiding by taxation the maintenance of any institution of learning or benevolence, including hospitals acquired by any county, city, town or school corporation by gift or devise.

By unanimous consent the amendment offered by Senator Francis on February 11th was withdrawn.

Senator Peterson offered the following amendment and moved its adoption: Amend by striking out Section 2 and inserting in lieu thereof the following:

Sec. 2. The governing board of such municipality or school corporation may discontinue such levy of tax in the event that the institution to be aided thereby is destroyed by the elements and no fund is provided or available for its rebuilding; or after five years of continuance of such tax aid the governing board may, and upon the petition of twenty-five per

cent. of the qualified electors of such municipality or school corporation shall, by resolution, re-submit to the qualified electors of such municipality or school corporation, at a regular or special election, in the same manner hereinbefore specified, the question whether tax aid for such institution shall be discontinued, and if sixty-five per cent. of the votes cast at such election on the proposition so submitted be in favor of discontinuing tax aid, no further levy of tax shall be made for such purpose.

Adopted.

Senator Peterson offered the following amendment to Section 3 and moved its adoption:

I move to amend Section Three of the bill by striking out the words "amending or" in the second line of said section.

Adopted.

The bill as amended was read for information.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Jamieson, Larabee, Mattes, Moon, Nichols, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting—32.

The nays were:

Senators Brown, De Armand, McCulloch, Proudfoot, Savage, Taylor, White—7.

Absent or not voting:

Senators Bennett, Bruce, Chapman, Gilliland, Hammill, Hunter, McManus, Maytag, Parshall, Sammis, Wilson—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator White, House File No. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supple-

ment of the Code, 1907, fixing the levy for the fire fund in cities of the second class, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend Section One by striking out the word "three" in the third line of the printed bill and inserting in lieu thereof the word "five."

The amendment was lost.

The bill was read for information.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend Section One (1) of the bill by striking out the period at the end of Section One (1) and inserting a comma in lieu thereof and by adding the following: "and in cities with a population in excess of ten thousand five mills."

Adopted.

Senator White moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting—38.

The nays were:

Senator Ream—1.

Absent or not voting:

Senators Adams, Bruce, Chapman, Dowell, Gilliland, Hammill, McManus, Sammis, Smith of Mitchell, Stuckslager, Wilson—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 209, a bill for an act to amend the law as it appears in Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code 1907, creating a county drainage fund, providing for its collection and prescribing the manner in which the same shall be paid out.

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

By Senator Allen of Pocahontas, Senate File No. 210, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, relating to the filing of transcripts in appeals from drainage assessments.

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

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 108, a bill for an act to amend the law as it appears in Section Eleven Hundred and Six (1106) of the Supplement to the Code, 1907, relating to election ballots, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Peterson moved the adoption of the following amendments:

Amend by striking out the word "seventh" in the fifth line of Section One (1) and inserting in lieu thereof the word "sixth" and by striking out the word "eighth" in the seventh line of said Section and inserting in lieu thereof the word "seventh" and by striking out the word "tenth" in the last line of said Section and inserting in lieu thereof the word "ninth."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

Amend by substituting the following: "If the names of presidential and vice-presidential candidates are placed on the ballot, it shall not be considered an identification mark if the voter makes a square or circle before such names and place a cross therein."

Senator Peterson raised the point of order that the amendment was not germane to the bill.

The Chair ruled the point of order well taken, so the amendment was ruled out of order.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Frudden, Gates, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—30.

The nays were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Fitchpatrick, Francis, Hoyt, McCulloch, Nichols, Proudfoot, Saunders, Savage, Seeley, Stuckslager—14.

Absent or not voting:

Senators Bruce, Chapman, Gilliland, Hammill, Sammis, Wilson—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Nichols Senate File No. 48, a bill for an act to amend Section Sixteen Hundred Sixty-one-a (1661-a) of the Supplement of the Code, relative to state aids to county and district fairs, with report of committee on agriculture recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Nichols moved the adoption of the report of the committee on Appropriations.

Adopted.

Senator Nichols moved the adoption of the following amendments, recommended by the Committee on Appropriations:

That the words "the law as it appears in" be inserted following the word "amend" in the first line of the title; also that the figures "1907" be inserted following the word "Code" in the second line of the title; also that the word "of" following the word "Supplement" in the second line of the title be stricken out and the word "to" be inserted in lieu thereof;

That Section One (1) be amended by inserting the words "the law as it appears in" following the word "that" in the first line; also that the figures "1907" be inserted following the word "Code" in the second line of said section.

Adopted.

Senator Nichols moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Dowell, Gilliland, Hammill, McCulloch, Ream, Sammis, Smith of Mitchell, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugu-

ral ceremonies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parrshall, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bennett, Bruce, Chapman, Clark, Gilliland, Hammill, McManus, Sammis, Saunders, Stuckslager, Wilson—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 170, a bill for an act to legalize the establishment of the Superior Court of the City of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing of said vote and declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts and proceedings and record as fully and exactly as if the law in every

particular had been complied with, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cosson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—39.

The nays were:

None.

Absent or not voting:

Senators Adams, Bruce, Chapman, Frudden, Gilliland, Ham-mill, Maytag, Nichols, Sammis, Stuckslager, Wilson—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 179, a bill for an act to repeal Section Three Hundred Fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell offered the following amendment and moved its adoption:

Amend by inserting after the enacting clause and before the word "that" the words "Section One."

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Frudden, Gilliland, Hammill, Moon, Sammis, Stuckslager, White, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 172, a bill for an act to amend Section 2601 of the Code, relating to admission of inmates to the Iowa Soldiers Home, located at Marshalltown, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema 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 ayes were:

Senators Adams, Allen of Balkema, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Foley, Frudden, Gillilland, Hammill, Sammis, Stuckslager, Whipple, Wilson—10.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Van Law, Senate File No. 196, a bill for an act to amend Section Forty-eight Hundred Ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Van Law moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Gillilland, Hammill, Parshall, Sammis, Wilson—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Stuckslager, Senate File No. 98, a bill for an act for the relief of the grantees, O. J. Felton, and for the purpose of having a patent issued in the name of Thos. Willmont for a certain tract of land, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Stuckslager moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis Frudden, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Bruce, Chapman, De Armand, Gates, Gilliland, Hammill, Jamieson, Parshall, Sammis, Wilson—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Whipple, Senate File No. 33, a bill for an act to amend the law as it appears in Section Fourteen Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907, relating to the collection of a tax upon inheritances, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Whipple moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—34.

The nays were:

Senators De Wolf, Frudden, Gates, McCulloch—4.

Absent or not voting:

Senators Brown, Bruce, Chapman, Gilliland, Hammill, Jamieson, McManus, Nichols, Sammis, Stuckslager, Taylor, Wilson—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that the time for adjournment be extended 10 minutes.

Carried.

INTRODUCTION OF BILLS.

By Senator Cosson, Senate File No. 211, a bill for an act to repeal Section Thirty-one Hundred Eighty-one (3181) of the Supplement to the Code, 1907, relating to the right of divorced persons to remarry within one year, and to enact a substitute therefor.

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

REPORT OF COMMITTEE.

Senator Proudfoot, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Educational Institutions, to whom was referred Senate File No. 99, a bill for an act to amend the law as it appears in Section twenty-six hundred and seventy-five (2675) of the Code, 1907, by providing an official name for the state normal school at Cedar Falls, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 99.

A Bill for an Act to Amend Section Twenty-six Hundred Seventy-five (2675) of the Code relating to the Normal School at Cedar Falls.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section twenty-six hundred seventy-five (2675) of the Code is hereby amended by striking out the comma after the word "schools" in line three (3) thereof and by inserting in lieu thereof the following:

"Shall be officially designated and known as the Iowa State Normal College and," and when so amended the bill do pass.

A. V. PROUDFOOT,
Chairman.

Substitute read first and second time and passed on file.

Senator Van Law moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 17, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. J. W. Beard of Macedonia, Iowa.

One request of Senator Allen of Pocahontas, leave of absence was granted Senator Bruce until tomorrow.

PETITIONS AND MEMORIALS.

Senator Ream presented petition from residents of Mahaska County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from Wilcox Camp of Modern Woodmen of America at Mason City, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Van Law presented petition from residents of Marshall County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Brown presented petition from the members of the bar of Decatur and Ringgold Counties, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Brown presented remonstrance from Modern Woodmen of America of Davis City, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Brown presented petition from residents of Decatur County, Iowa favoring the resubmission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Taylor presented petition from members of the bar of Wayne County, Iowa, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Bennett presented remonstrance from residents of Adams County, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Hammill presented petition from residents of Hancock County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from residents of Cerro Gordo County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented remonstrance from citizens and members of the bar of Appanoose County, Iowa, against the proposed consolidation of the First and Second Judicial Districts of Iowa.

Referred to Committee on Congressional and Judicial Districts.

Senator Taylor presented petition from residents of Appanoose County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented remonstrance from the Modern Woodmen of America of West Union, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Moon presented petition from residents of Wapello County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Moon presented petition from citizens of Wapello County favoring the resubmission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Quigley presented remonstrance from the Modern Woodmen of America, McGregor, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Bennett presented petition from the residents of Adams County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 212, a bill for an act to require every person, partnership, company, corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

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

By Senator Proudfoot, Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

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

By Senator Clark, Senate File No. 214, a bill for an act to amend Section Seventeen Hundred Forty-one (1741) of the Code relating to insurance, and applications and representations for insurance, and to provide remedies therein.

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

REPORTS OF COMMITTEES.

Senator Seeley, 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. 197, a bill for an act to grant to certain officers and other employees of the state institutions under the control of the board of control annual vacations with pay and to repeal Section 5718-a-29 and Section 5718-a-30 of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out Section four (4) of the bill and substituting therefor the following:

SEC. 4. The law as it appears in Sections fifty-seven hundred and eighteen-a-29 and fifty-seven hundred and eighteen-a-30 of the Supplement to the Code, 1907, is hereby repealed, and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 145, a bill for an act to legalize the action of the board of supervisors of Sioux County, Iowa, relating to the sale of school lands in section twelve (12), township ninety-five (95) north of range forty-eight (48) west of the fifth (5th) principal meridian, Sioux County, Iowa, and to authorize the Governor to issue a patent therefor to John H. Hutchinson, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 150, a bill for an act to repeal Section five hundred three (503) of the Code relating to bailiffs and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 147, a bill for an act to amend Section five thousand one hundred and sixty-five (5165) of the Code, relating to the time of commencing criminal actions in certain cases, beg leave to report they have

had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 4, a bill for an act to amend the law as it appears in Section twenty hundred and seventy-one (2071) of the 1907 Supplement to the Code relating to the liability of corporations operating a railway for negligence or wrongs of employes, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 4.

A Bill for an Act to Amend the Law as it Appears in Section Twenty Hundred and Seventy-one (2071) of the Supplement to the Code, 1907, Relating to the Liability of Corporations Operating a Railway for Negligence or Wrongs of Employes.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, be amended by inserting after the word "wrongs" and before the word "are" in the seventh line of said Section the words: "or neglect;" and by striking out the last three words in the seventh line and the first three words in the eighth line of said Section commencing with the word "use" and ending with the word "railway" and inserting in lieu thereof the following: "construction, equipping, repair, use or operation of any railway or with the handling of its traffic, on the railroad property,"

And be further amended by adding after the period at the end of said Section the following:

"That in all actions hereafter brought against any such corporation to recover damages for the personal injury or death of any employe under or by virtue of any of the provisions of said Section as amended by this act, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employe; provided, that no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employes contributed to the injury or death of such employe; nor shall it be any defense to such action that the employe who was injured or killed assumed the risks of his employment," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

INTRODUCTION OF BILLS.

By Senator Nichols, Senate File No. 215, a bill for an act to Amend the law as it appears in Section 1137-a-7 of the Supplement to the Code of 1907, relating to elections and voting machines.

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

REPORT OF COMMITTEE.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Smith of Des Moines, Senate File No. 199, a bill for an act to repeal the law as it appears in Section Fifty-seven Hundred and Eighteen-a Twenty-nine (5718-a 29), and Section Fifty-seven Hundred and Eighteen-a Thirty (5718-a 30) of the Supplement to the Code, 1907, relative to annual vacations for officers and guards of the penitentiaries was taken up and considered.

The bill was read for information.

Senator McManus moved that further consideration of the bill be postponed until next Friday.

Carried.

REPORT OF COMMITTEE.

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

MR. PRESIDENT—Your committee on military, to whom was referred House File No. 69, a bill for an act to repeal the law as it appears in

Section five thousand and forty-a (5040-a), Chapter twelve (12) of the Supplement of the Code, 1907, and to enact a substitute therefor, relating to Memorial Day, beg leave to report they have had the same under consideration and recommend the same to be indefinitely postponed.

J. D. BROWN,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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. 140, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

C. R. BENEDICT,
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. 119, a bill for an act amending the law as it appears in Section 746 of the Supplement to the Code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.

C. R. BENEDICT,
Chief Clerk

HOUSE MESSAGES CONSIDERED.

House File No. 140, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e, and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

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

House File No. 119, a bill for an act amending the law as it appears in Section 746 of the Supplement to the Code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.

The bill was read the first and second time.

THIRD READING OF BILLS.

Senator Saunders asked unanimous consent to take up for consideration House File No. 119.

Consent granted.

On motion of Senator Saunders, House File No. 119, a bill for act amending the law as it appears in Section Seven Hundred Forty-six (746) of the Supplement to the Code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contract for the purchase or the erection of water-works, was taken up and considered.

Senator Saunders moved that the rule by which no bill shall be read the second and third time on the same day be suspended.

Carried.

Senator Saunders moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Bruce, Frudden, McManus, Sammis, Stuckslager—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 Hammill, House File, No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five

(1185), of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) of the Code, and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved the adoption of the following amendment:

Amend Section 1, by adding thereto the following: "If any County Treasurer shall elect to furnish bond with any Association or incorporation as surety as provided in this Chapter the reasonable cost of such bonds shall be paid by the county where the bond is filed."

Adopted.

The bill was read for information.

Senator Savage moved that the further consideration of the bill be postponed until next Wednesday.

Carried.

On motion of Senator Francis, House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Francis moved the adoption of the following amendments:

Amend Section 1 by inserting after the word "forthwith" in the second line thereof, and before the word "send" in the third line thereof, the following: "procure ninety-nine (99) copies of the act as published, clip the same from the newspaper, attach his certificate thereto and"

And that Section 1 be further amended by striking out the words "a certified copy thereof" appearing in the third line thereof.

Adopted.

The bill was read for information.

Senator Clarkson offered the following amendment and moved its adoption:

Move to amend by striking out the word "ninety-nine" as the same appears in line four of the bill and insert in lieu thereof the words "One Hundred and One" and by amending Section Two by striking out the word "Daily" as it appears before the word "Capital."

Adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Benhett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parrshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senators Bruce, Sammis—2.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Proudfoot, Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the council of said town had thereunder, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Proudfoot moved the adoption of the following amendment:

Amend Section 3 by adding after the word "Leader" in the third line thereof, the words "a newspaper published at Des Moines, Iowa."

And that said Section be further amended by inserting after the word "Press" in the third line thereof, the words "a newspaper published at Norwalk, Iowa."

Adopted.

The bill was read for information.

Senator Proudfoot moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Bruce, McCulloch, Maytag, Sammis, Smith of Des Moines—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 Allen of Van Buren, Senate File No. 182, a bill for an act for the relief of the grantees of Joel J. Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Van Buren moved the adoption of the following amendments:

Amend the title by striking out the word "and" following the word "For," appearing in the first line thereof, and inserting in lieu thereof the word "an."

Amend the bill by striking out all of Section 1, and inserting in lieu thereof the following as Section 1:

SECTION 1. That the Governor of the State of Iowa and the Secretary of State are hereby authorized and directed to issue to the said W. F. Werner a patent, in the usual form, to part of lot one (1) in section number sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the point of beginning, containing six (6) acres; and deliver the same to the said W. F. Werner.

Adopted.

Senator Allen of Van Buren moved to amend by striking out Section 2.

Carried.

By unanimous consent, further consideration of the bill was postponed.

On motion of Senator Hammill, Senate File No. 157, a bill for an act to amend the law as it appears in Chapter Two (2)-A, Title Ten (10) of the Supplement to the Code, 1907, relating to levees, ditches, drains, and water courses and providing for work beyond the boundary lines of the district for the acquirement by condemnation of lands therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Hammill moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Burgess, Dowell, Larrabee, Sammis—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 23, a bill for an act to amend Section two thousand one hundred sixteen (2116) of the Code, relating to the duties of railroads as to furnishing transportation, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By enacting in lieu thereof the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 23.

A Bill for an Act to Amend the Law as it Appears in Section Twenty-one Hundred and Sixteen (2116) of the "Supplement to the Code, 1907," Relating to the Duty of Railways to Furnish Transportation.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section twenty-one hundred and sixteen (2116) of the "Supplement to the Code, 1907," be and the same is hereby amended by striking out after the word "shall" in line two (2) of said Section, the "comma" following said word "shall" and the words and punctuation "when within its power to do so, and" and adding to said Section, after the "comma" following the word "notice" in line two (2) of said Section, the words and punctuation "and within a reasonable time," and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Substitute was read first and second time and passed on file.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

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

By Senator Smith of Des Moines, Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

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

REPORTS OF COMMITTEES.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 82, a bill for an act to amend Section twenty-five hundred and seventy-one (2571) of the 1907 Supplement of the Code relating to the publication of rules and regulations of local boards of health, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 82.

A Bill for an Act to Amend Section Twenty-five Hundred and Seventy-one (2571) of the Supplement to the Code, 1907, Relating to the Publication of Rules and Regulations of the Local Boards of Health.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section number twenty-five hundred and seventy-one (2571) of the Supplement to the Code, 1907, be and the same is hereby amended by adding to said Section after the period following the word county in the last line of said Section, the following: Provided, however, that the local boards of health in town and townships may, if they so elect, publish notice of all rules and regulations adopted, by posting printed copies thereof in not less than five public places within the town or township as the case may be; or the local boards of health aforesaid may publish said rules and regulations so adopted, in any newspaper of general circulation published within the county where the town or township may be located within which said rules and regulations may apply, and when so amended the bill do pass.

E. W. CLARK,
Chairman.

Substitute read first and second time and passed on file.

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

MR. PRESIDENT—Your committee on Military, to whom was referred House File No. 60, a bill for an act to repeal Section four hundred and thirty-three (433) of the Supplement of the Code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor, beg leave to report that they have had the same under consideration and recommend the same do pass.

J. D. BROWN,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 218, a bill for an act to amend Section Twenty-one Hundred Fifty-seven-g (2157-g) of the Supplement to the Code 1907, relating to free passes by common carriers.

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

By Senator Maytag, Senate File No. 219, a bill for an act to amend Section Twenty-six Hundred Ninety-two-a and Section Twenty-six Hundred Ninety-two-c of the Supplement to the Code, 1907, relating to State agents and making appropriation therefor.

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

REPORT OF COMMITTEE.

Senator Allen of Pocahontas, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 87, a bill for an act to repeal Section sixteen hundred seventy-five (1675) of the Supplement of the Code and to enact a substitute therefor relative to farmers' institutes, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 87.

A Bill for an Act to Repeal the Law as it Appears in Section Sixteen Hundred Seventy-five (1675) of the Supplement to the Code, 1907, Relative to Farmers' Institutes and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"When forty or more farmers of a county organize a farmers' institute, with a president, secretary, treasurer, and an executive committee of not less than three outside of such officers and hold an institute, remaining in session not less than two days in each year, which institute may be adjourned from time to time and from place to place in said county, the secretary of the state board of agriculture, upon the filing with him a report of such institute and an itemized statement under oath showing that the same has been organized and held and for what purposes the money expended has been used, shall certify the same to the auditor of state, which state auditor shall remit to the county treasurer of such county his warrant for the amount so expended not to exceed seventy-five dollars and there is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, a sum not to exceed seventy-five dollars annually for such institute work in each county. No officer of any such farmers' institute shall receive directly or indirectly any compensation from said fund for said service as such officer. The report provided for in this Section shall be filed with the Secretary of the State Board of Agriculture on or before the first day of June of each year. When any institute fails to report on or before the first day of June that institute shall not receive state aid for that year," and when so amended the bill do pass.

J. H. ALLEN,
Acting Chairman.

Substitute read first and second time and passed on file.

INTRODUCTION OF BILLS.

By Senator De Wolf, Senate File No. 220, a bill for an act to regulate the transfer in bulk of stocks of merchandise.

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

By Senator De Wolf, Senate File No. 221, a bill for an act to amend Section Two Hundred Fifty-three (253) of the Supplement to the Code, 1907, relating to the salaries of judges of the District Courts.

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

By Senator Francis (by request), Senate File No. 222, a bill for an act relating to fish and game, and making appropriations for the fish and game commission of the State of Iowa.

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

By Senator Francis, Senate File No. 223, a bill for an act to amend the law as it appears in Section Sixteen Hundred and Sixty (1660) of the Supplement to the Code, 1907, permitting the annual appropriation of the amount therein provided in aid of county fairs.

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

By Senator Francis, Senate File No. 224, a bill for an act to amend Section Eleven Hundred Ninety five (1195) of the Code, relating to officers holding over for any reason.

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

THIRD READING OF BILLS.

On motion of Senator Quigley, Senate File No. 117, a bill for an act to authorize the sheriff and county attorney when permitted by the Board of Supervisors, to employ the service of detectives and providing for payment therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Quigley moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption :

Amend by striking out the period at the close of Section One and adding thereto the following: "Provided however, that the Board may limit the sum to be so expended."

Adopted.

Senator Quigley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Dowell, Smith of Mitchell, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clarkson, Substitute for Senate File No. 81, a bill for an act to repeal Section Forty-nine Hundred and Ninety-nine-a-three (4999 a-3), Supplement of the Code, 1907, relating to the assumption of risks, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved the adoption of the following amendment:

Amend Section One by striking out the period after the word "same" at the end of the twelfth line thereof, and by inserting in lieu thereof a comma, and by adding thereafter the following words: "except when in the usual and ordinary course of his employment it is the duty of such employe to make the repairs, or remedy the defects. And no contract which restricts liability hereunder shall be legal or binding."

Adopted.

Senator Gilliland offered the following amendment and moved its adoption.

Amend by inserting after the word "defect" and before the period, the words "or give information thereof to the employer."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Bennett, Brown, Burgess, Clark, Hoyt, McCulloch, Maytag, Nichols, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting—17.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Parshall, Peterson, Quigley, Ream, Stuckslager, Taylor, Van Law, White, Wilson—30.

Absent or not voting:

Senators Bruce, Frudden, Sammis—3.

So the amendment was lost.

Senator Gilliland filed the following motion:

I move to reconsider the vote by which the amendment to Section 1 was defeated.

Shirley Gilliland.

Senator Cosson moved that the time for adjournment be extended 20 minutes.

Carried.

Senator McCulloch offered the following amendment and moved its adoption:

I move to amend by adding the following to Section 1: When an attorney or attorneys attempt to prosecute claims for a per cent of the judgment secured they become partner of claimant and should they fail to secure judgment they shall be liable for all costs including attorneys fees and other expenses of defendant.

Senator Wilson moved the previous question on the amendment and the bill.

Carried.

The amendment was lost.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Parrshall, Peterson, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

Senators Adams, Brown, Gilliland, Hoyt, McCulloch, Nichols, Proudfoot, Savage, Seeley—9.

Absent or not voting:

Senators Bennett, Bruce, Clark, Sammis—4.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Van Law moved that the time of adjournment be extended until 12:30 o'clock.

Carried.

Senator Dowell moved that the motion to reconsider filed by Senator Gilliland, to reconsider the vote by which the amendment was lost, be laid on the table.

Carried.

Senator Dowell moved to reconsider the vote by which Senate File No. 81 passed the Senate.

Senator Dowell moved that the motion to reconsider the vote by which Senate File No. 81 passed the Senate, be laid on the table.

Carried.

REPORT OF COMMITTEE.

Smith of Des Moines, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred House File No. 161, a bill for an act to amend Sections twenty-seven hundred eight (2708), twenty-seven hundred nine (2709) as they appear in Supplement to the Code, 1907, relating to the age at which boys or girls may be committed to the industrial schools, beg leave to report they have had the same under consideration and recommend the same do pass.

F. N. SMITH,
Chairman.

Ordered passed on file.

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

Freda McCausland, Committee Clerk for Senator McManus, resigned and Catherine McManus was appointed as Committee Clerk for Senator McManus and appeared before the bar of the Senate and was duly sworn.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 18, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. W. J. Suckow of Grinnell, Iowa.

On request of Senator Proudfoot, leave of absence was granted Senator Peterson for the day on account of sickness.

PETITIONS AND MEMORIALS

Senator Ream presented petition from residents of Mahaska County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from residents of Worth County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Stuckslager presented petition from residents of Linn County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Jamieson presented petition from residents of Page County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Jamieson presented petition from members of the "Current Events Club" of Clarinda, Iowa, favoring the passage of the proposed bill to revise the School Laws.

Referred to Committee on Schools.

Senator Cosson presented petition from residents of Dallas County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented remonstrance from members of Cedar Camp No. 1107, Modern Woodmen of America, Clarence, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Hoyt presented petition from residents of Buchanan County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented petition from residents of Clay County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clarkson presented remonstrance from members of the Bar of Chariton, Iowa, protesting against any change in the territorial limits of the present Second Judicial District.

Referred to Committee on Congressional and Judicial Districts.

Senator Clarkson presented remonstrance from members of the Bar of Monroe County, against any change in the present Second Judicial District of Iowa.

Referred to Committee on Congressional and Judicial Districts.

Senator Clarkson presented petition from residents of Monroe County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Quigley presented remonstrance from members of the McGregor Homestead No. 292, Brotherhood of American Yeomen, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Seeley presented 2 petitions from residents of Washington and Henry Counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented 2 petitions from residents of Arlington, Fayette County, favoring the passage of the Sunday Observance Law.

Senator Gilliland presented remonstrance from Orchard Camp No. 3016, Modern Woodmen of America, Glenwood, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Gilliland presented petition from citizens of Red Oak, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from residents of Linn County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from residents of Appanoose County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from residents of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Larrabee presented petition from citizens of Ft. Dodge, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented petition from merchants and business men of Harpers Ferry, Iowa, favoring the passage of the Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Proudfoot presented remonstrance from residents of Clark County, against the passage of the Sunday Amusement Bill.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from county officials of Cerro Gordo County, against the enactment of the proposed Mortgage Registration Law.

Referred to Committee on Ways and Means.

Senator Hammill presented petition from citizens of Franklin County, favoring the passage of a bill improving public highways.

Referred to Committee on Highways.

Senator Hammill presented remonstrance from citizens of Cerro Gordo County, against the repeal of the Blanchard anti-compact law.

Referred to Committee on Insurance.

Senator Hammill presented petition from city officers of Hampton, Iowa, favoring the passage of a law modifying the powers of the State Board of Health.

Referred to Committee on Public Health.

Senator De Armand presented petition from members of the Bar of Scott County, favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator De Armand presented remonstrance from the Executive Committee of the Farmers Institute of Scott County, against the proposed changes in the School Laws.

Referred to Committee on Judiciary.

Senator Mattes presented remonstrance from Cottonwood Camp Modern Woodmen of America, of Schaller, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Nichols presented remonstrance from Camp No. 106, Modern Woodmen of America, of Muscatine, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Bennett presented remonstrance from Camp No. 3624, Modern Woodmen of America of Prescott, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Gates presented remonstrance from Modern Woodmen of America of Butler County, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Adams presented petition from residents of Fayette County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented remonstrance from residents of Fairfield Township, Fayette County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By the Committee on Military, Senate File No. 225, a bill for an act to repeal Title Eleven of the Code and the law as it appears in Title Eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "the military Code of Iowa."

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

THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 9, a bill for an act to repeal Section Three Thousand Three Hundred and Seven (3307) of Supplement to the Code, 1907, relating to Administration of the Estates of Absentees, and to enact a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Hammill moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Maytag, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Chapman, Dowell, McCulloch, McManus, Moon, Nichols, Peterson, Sammis, Taylor, Whipple—10.

So the bill having received a constitutional majority was declared to have passed the Senate.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to House File No. 170, in which the concurrence of the House was asked:

House File No. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, 1907, fixing the levy for the fire fund in cities of the second class.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to House File No. 179, in which the concurrence of the House was asked:

House File No. 179, a bill for an act to repeal Section 354 of the Supplement to the Code, 1907, relating to the fees of Jurors and enacting a substitute therefor.

C. R. BENEDICT,
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. 141, a bill for an act authorizing the Secretary of State to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator De Wolf, Senate File No. 99, a bill for an act to amend the law as it appears in Section Twenty-six Hundred and Seventy-five (2675) of the Code, 1907, by providing an official name for the State Normal School at Cedar Falls, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator De Wolf offered the following amendment and moved its adoption:

Move to amend the substitute by striking out the word "Normal" in line six thereof and by inserting in lieu thereof the word "teachers."

On the adoption of the amendment a roll call was demanded. Those favoring the adoption of the amendment were:

Senators Allen of Pocahontas, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Jamieson, Larrabee, McManus, Mattes, Moon, Parshall, Quigley, Saunders, Smith of Des Moines, Whiting, Wilson—25.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Gilliland, Hammill, Hoyt, McCulloch, Maytag, Nichols, Proudfoot, Ream, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White—21.

Absent or not voting:

Senators De Armand, Hunter, Peterson, Sammis—4.

So the amendment was adopted.

Senator De Wolf moved that the substitute as amended be substituted for the original bill.

Carried.

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

Substitute as amended was read a third time.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Burgess, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Hunter, Jamieson, McManus, Mattes, Moon, Parshall, Quigley, Saunders, Smith of Des Moines, Whiting, Wilson—22.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Francis, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Maytag, Nichols, Proudfoot, Ream, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White—25.

Absent or not voting:

Senators De Armand, Peterson and Sammis—3.

So the bill having failed to receive a constitutional majority was declared lost.

REPORT OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 104, a bill for an act amending Section fourteen hundred (1400) of the Code fixing the time when taxes on personal property become a lien thereon, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 226, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city.

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

By Senator Hunter (by request), Senate File No. 227, a bill for an act to amend the law as it appears in Section Three Thousand and Forty-one (3041) of the Code, relating to usury.

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

By Senator Hunter (by request), Senate File No. 228, a bill for an act to amend the law as it appears in Section Three Thousand Forty-seven (3047) of the Supplement to the Code, 1907, relating to the assignment of open accounts.

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

By Senator Saunders, Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof.

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

Senator Saunders asked unanimous consent to have printed 500 extra copies of Senate File No. 134.

Consent granted.

Senator Chapman offered the following Concurrent Resolution, which was laid over under the rules.

SENATE CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring, That the President of the Senate appoint two members of a committee; the Speaker of the House appoint three members of a committee. The committee, consisting of five members, shall draw a bill fixing the entrance requirements of the State Normal School and State Agricultural College at Ames, fixing graduating requirements for students desiring to teach in the rural schools, and to fix and define what branches shall be taught by the schools. The above committee to bear in mind the object of the State Normal School and State Agricultural College at Ames.

Senator Frudden offered the following Concurrent Resolution which was laid over under the rules.

A JOINT AND CONCURRENT RESOLUTION memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor.

Be it Enacted by the Legislature of the State of Iowa:

WHEREAS, The government should immediately take in hand the improvement of the rivers, harbors and waterways of the country and that a large sum of money should be appropriated for that purpose, and

WHEREAS, It seems fair and right that future generations who will reap the great benefits should share a portion of the expense, and

WHEREAS, The low rate bonds of the government sell readily and at a premium and at the same time afford an attractive investment to certain classes of people who would otherwise hoard their money and keep it out of circulation, and

WHEREAS, The National Rivers and Harbors Congress, which convened at Washington, in December, 1908, composed of more than 3,000 representatives from all sections of the country, endorsed and recommended the expenditure of sufficient money by the general government for these purposes, and the issuance of two per cent. bonds therefor and similar action has been taken by other representative bodies,

Therefore be it Resolved by the Legislature of Iowa, That the Congress of the United States be memorialized and earnestly urged to provide by law for the issuance by the government of its two per cent. bonds, as much as may be necessary to carry forward the work which has already been approved by the engineers of the army and the committee on rivers and harbors of the House of Representatives in the matter of the improvement of the rivers, harbors and waterways of the country, and to

carry forward such other new work as may be approved by the engineering department and Congress.

Be it Further Resolved, That a duly certified copy of this memorial be by the Secretary of the Senate, and the Chief Clerk of the House, forwarded to each member of the Iowa delegation in Congress.

INTRODUCTION OF BILLS.

By Senator Larrabee, Senate File No. 230, a bill for an act to provide for the creation of the office of county highway engineer, and to define the duties thereof.

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

THIRD READING OF BILLS.

On motion of Senator Allen of Van Buren, Senate File No. 182, a bill for an act for the relief of the grantees of Joel J. Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land, was taken up and considered.

Senator Allen of Van Buren, offered the following amendment and moved its adoption:

After the word and figure "one (1)" in line 22, on page 2, erase all to the word "and," which immediately precedes the word "Whereas," in the twenty-eighth line on said page, and in lieu thereof, insert the following: "in section sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the point of beginning, containing six (6) acres."

Also after the word and figures "one (1)," in line 8, on page 3, erase all to the enacting clause, and in lieu thereof, insert the following: "in section sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds, as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with

the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the place of beginning, containing six (6) acres."

Adopted.

The bill as amended, was read for information.

Senator Allen of Van Buren moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Brown, Burgess, Chapman, Clarkson, Nichols, Peterson, Quigley, Sammis, Stuckslager, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Balkema, House File No. 145, a bill for an act to legalize the action of the Board of Supervisors of Sioux County, Iowa, relating to the sale of school lands in Section Twelve (12), Township Ninety-five (95), north of Range Forty-eight (48), west of the Fifth (5th) principal meridian, Sioux County, Iowa, and to authorize the Governor to issue a patent therefor to John H. Hutchinson, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Balkema moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Ham-mill Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Bennett, Burgess, Clarkson, De Wolf, McCulloch, Peterson—6.

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. 172, a bill for an act to amend Section 2601 of the Code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 82, a bill for an act to amend Section Twenty-five Hundred and Seventy-one (2571) of the 1907 Supplement to the Code, relating to the publication of rules and regulations of local Boards of Health, with

report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved that the substitute be substituted for the original bill.

Carried.

Senator Francis offered the following amendment and moved its adoption.

Amend by inserting between the words "printed" and "copies" in the 7th line of the substitute as printed in the Journal, the words "or typewritten."

Adopted.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—49.

The nays were:

None.

Absent or not voting:

Peterson—1.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

I move to reconsider the vote by which Senate File No. 99, a bill for an act to amend the law as it appears in 2675 of the Code, by providing an official name for the Normal School at Cedar Falls, was defeated.

H. R. Chapman.

HOUSE MESSAGES CONSIDERED.

Senate File No. 172, a bill for an act to amend Section Twenty-six Hundred and One (2601) of the Code, relating to admission of inmates to the Iowa Soldiers' Home, located at Marshalltown.

Passed on file.

House File No. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, fixing the levy for fire fund in cities of the second class.

Passed on file.

House File No. 179, a bill for an act to repeal Section Three Hundred Fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor.

Passed on file.

House File No. 141, a bill for an act authorizing the Secretary of State to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold.

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

REPORT OF COMMITTEE.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Chairman.

Ordered passed on file.

Senator Stuckslager asked unanimous consent to have printed 200 extra copies of Senate File No. 206.

Consent granted.

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

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 19, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. A. R. Heaps of Whiting, Iowa.

On request of Senator Proudfoot, leave of absence was granted Senator Peterson for the day on account of sickness.

On request of Senator De Armand, leave of absence was granted Senator Parshall until tomorrow.

PETITIONS AND MEMORIALS.

Senator Gilliland presented petition from residents of Mills County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clarke presented petition from residents of Keokuk County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petitions from residents of Dallas County, favoring the passage of the Sunday Observance Law.

Senator Cosson presented petition from voters of Audubon County, Iowa, favoring the restoration of the circle upon the ballot.

Senator Cosson presented petition from voters of Iowa, favoring the restoration of the circle upon the ballot.

Referred to Committee on Elections.

Senator Brown presented petition from citizens of Weldon, Iowa, favoring the passage of the Sunday Amusement bill.

Referred to Committee on Judiciary.

Senator Foley presented petition from residents of Chickasaw and Floyd Counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Jamieson presented remonstrance from Modern Woodmen of America of Riverton, Iowa, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Judiciary.

Senator Whiting presented petition from residents of various counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Savage presented remonstrance from electors of school district of Walnut Township, Adair County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Savage presented remonstrance from Modern Woodmen of America of Adair County, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Proudfoot presented remonstrance from residents of Clarke County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from residents of Mitchell County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McManus presented remonstrance from residents of Lee County, against the passage of the Sunday Observance Law, also against the passage of the Exemption bill.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented petition from residents of Buena Vista County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from residents of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Taylor presented petition from citizens and taxpayers of Appanoose County, favoring the passage of House File No. 5, amending the law relative to the duties of township trustees and election and compensation of road supervisors.

Referred to Committee on Highways.

Senator Taylor presented 2 petitions from residents of Appanoose and Lucas Counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gilliland presented petition from residents of Mills County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gilliland presented remonstrance from Modern Woodmen of America of Mills County, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Saunders presented remonstrance from members of the Trades and Labor Assembly of the City of Council Bluffs, against the passage of the Sunday Amusement bill.

Referred to Committee on Judiciary.

Senator Bruce presented petition of residents of Cass County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McManus presented remonstrance from residents of Lee County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented remonstrance from the Modern Woodmen of America of Pocahontas County, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Balkema presented remonstrance from residents of Osceola County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from Plymouth Camp No. 5108, Modern Woodmen of America of Plymouth, Iowa, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Brown presented petition from residents of Union County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Stuckslager presented 3 petitions from residents of Linn County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented remonstrance from residents of Woodbury County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Moon presented petition from residents of Wapello County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented petition from residents of Benton County, favoring the passage of the Sunday Amusement bill.

Referred to Committee on Judiciary.

Senator Van Law presented remonstrance from residents of Tama County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Savage, Senate File No. 231, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses.

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

By Senator Mattes, Senate File No. 232, a bill for an act creating a commission to procure additional grounds adjacent to the Capitol for beautifying the same; the erection of additional State buildings and for an appropriation therefor.

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

By Senator De Wolf, Senate File No. 233, a bill for an act to amend the law as it appears in Sections Eight Hundred Fifty-e (850-e), Eight Hundred Fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners.

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

By Senator Fitchpatrick, Senate File No. 234, a bill for an act to amend the law as it appears in Section Two Hundred Fifteen (215) of the Code, relating to the distribution of the reports of the Supreme Court.

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

By Senator Francis (by request), Senate File No. 235, a bill for an act to amend Section Two Thousand Five Hundred and Thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the fish and game warden.

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

By Senator Saunders, Senate File No. 236, a bill for an act to appropriate money for the use of the school for the deaf at Council Bluffs, Iowa.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 88, a bill for an act to repeal Section 2341-d of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure-bred stallions.

C. R. BENEDICT,
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. 93, a bill for an act to repeal the law as it appears in Section 1657-q of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the auditing of accounts of the department of agriculture.

C. R. BENEDICT,
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. 102, a bill for an act to amend the law as it appears in Section 308 of the Supplement to the Code, 1907, relating to the compensation of county attorneys.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails, to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation.

C. R. BENEDICT,
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. 37, a bill for an act to repeal Section 1366 of the Code and enact a substitute therefor relative to assessment rolls.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 237, a bill for an act to provide terms and qualifications for admission to the collegiate

department of the State University of Iowa, the State College of Agriculture and Mechanic Arts at Ames, and the State Normal School at Cedar Falls, and repealing parts of Acts in conflict therewith.

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

HOUSE MESSAGES CONSIDERED.

Senate File No. 88, a bill for an act to repeal Section Twenty-three Hundred Forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of State certificates for pure bred stallions.

Passed on file.

Senate File No. 93, a bill for an act to repeal the law as it appears in Section Sixteen Hundred Fifty-seven-q (1657-q) of the Supplement to the Code, and to enact a substitute therefor, relating to the auditing of accounts of the department of agriculture.

Passed on file.

Substitute for Senate File No. 102, a bill for an act to amend the law as it appears in Section 308 of the Supplement to the Code, 1907, relating to the compensation of County Attorneys.

Passed on file.

Senate File No. 37, a bill for an act to repeal Section Thirteen Hundred Sixty-six (1366) of the Code and enact a substitute therefor relative to assessment rolls.

Passed on file.

Substitute for Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails, to carry a light during certain hours, and otherwise regulating operation of same and fixing the penalty for violation.

Passed on file.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 141, a bill for an act to repeal Section thirteen hundred sixty-three (1363) of the Code, relative to statistics, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 165, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same do pass and that the bill be referred to the Committee on Appropriations.

JAS. E. BRUCE,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Senator Gilliland, 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. 69, a bill for an act to amend Section eight hundred and thirty-two (832) of the Code relating to repairs of street improvement or sewer, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 106, a bill for an act to repeal Section 674 of the Code and enacting a substitute therefor, relating to compensation of assessors in cities of over 15,000 and less than 60,000 inhabitants, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 127, a bill for an act to amend the law as it appears in Section six hundred and seventy-four (674) of the Supplement to the Code, 1907, relating to the compensation of assessors in cities of the first class, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Strike out the word "that" in the first line of Section 1 and insert in lieu thereof "The law as it appears in," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 37, a bill for an act to repeal Section twenty-four hundred and forty-five (2445) of the Code and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be returned to the Senate with the further recommendation that it be referred to the Committee on Ways and Means.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was referred to the Committee on Ways and Means.

Also :

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 100, a bill for an act to amend Section seven hundred and ninety-two (792) of the Code to provide for the oiling of streets and assessing the cost thereto to abutting property, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Allen of Van Buren, House File No. 60, a bill for an act to repeal Section Four Hundred and Thirty-three (433) of the Supplement to the Code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Van Buren moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larra-bee, McCulloch, McManus, Mattes, Moon, Nichols, Proudfoot, Quig-ley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whit-ing, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Chapman, Maytag, Parshall, Peterson, Ream—5.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

Senator Allen of Van Buren, moved that the Senate request the return from the House of Senate File No. 11.

Carried.

On motion of Senator Seeley, Senate File No. 197, a bill for an act to grant certain officers and other employes of the State insti-tutions under the control of the Board of Control, annual vaca-tions with pay and to repeal Section 5718-a-29 and Section 5718-a-30 of the Supplement to the Code, 1907, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Seeley moved the adoption of the following amendment:

Amend by striking out Section Four (4) of the bill and substi-tuting therefor the following:

Sec. 4. The law as it appears in Sections Fifty-seven Hundred and Eighteen-a-29 and Fifty-seven Hundred and Eighteen-a-30 of the Supplement to the Code, 1907, is hereby repealed.

Adopted.

The bill as amended was read for information.

Senator Sammis offered the following amendment and moved its adoption:

Amend by striking out the words "two years" in the third line of Section One and insert in lieu thereof the words "one year."

Senator Van Law offered the following substitute for the amendment and moved its adoption:

I move to amend by inserting after the word "having" in the fourth line of the printed bill the following, "served one year to seven days and after having"; and to substitute the word "two" in the third line of the printed bill the word "one."

By unanimous consent the amendment offered by Senator Sammis was withdrawn.

The substitute amendment was lost.

Senator Frudden offered the following amendment and moved its adoption:

I move to amend by striking out in line three, section 1, of the bill, the words "shall be entitled to" and substituting in lieu thereof the words, "may be, if in the opinion of the Board of Control found advisable, given."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Clark, Clarkson, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Ham-mill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Wilson—25.

The nays were:

Senators Allen of Poca-hontas, Balkema, Brown, Burgess, Chapman, Cosson, De Armand, De Wolf, Foley, Gates, Hoyt, Ja-

mieson, McManus, Moon, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Van Law, Whiting—22.

Absent or not voting:

Senators Parshall Peterson, Taylor—3. •

So the amendment was adopted.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senators Parshall, and Peterson—2.

Senator Sammis offered the following amendment to the title of the bill and moved its adoption:

Amend by striking out the words "Chapter One Hundred Ninety-five (195) of the Acts of the Thirty-second General Assembly" following the word "repeal" in the third line of the title, and insert in lieu thereof the following:

Section Fifty-seven Hundred Eighteen-a-29 (5718-a-29) and Section Fifty-seven Hundred Eighteen-a-30 (5718-a-30) of the Code Supplement, 1907.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 170, a bill for an act to amend the law as it appears in Section 716-a of the Supplement to the Code, 1907, fixing the levy for the fire fund in cities of the second class.

Also:

House File No. 179, a bill for an act to repeal Section three hundred fifty-four (354) of the Supplement to the Code, 1907, relating to the fees of jurors, and enacting a substitute therefor.

Also:

House File No. 119, a bill for an act amending the law as it appears in Section seven hundred and forty-six (746) of the Supplement to the Code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Foley, Senate File No. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Foley offered the following amendments and moved their adoption:

Amend by taking out the comma after the word "bonds" in line 14, Section 1.

Amend Section 4, line 17, by inserting after the word "purchased" the words "of site or sites the purchase."

Correct clerical error in line 17, Section 6, insert "one" instead of "two" after the word "Chapter."

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend by striking from the third line of the printed bill the word "citizens" inserting in lieu thereof the words "resident property owners."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

Amend by striking out of line 12, Section 1, the word "text" and substituting therefor the word "substance."

The amendment was lost.

Senator Francis offered the following amendment and moved its adoption:

Amend by striking out the first word in line eight, Section Six, of the printed bill and substituting the word "of."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

Amend Section Seventeen by striking out of line one thereof the words "and directed."

Adopted.

Senator Francis offered the following amendment and moved it adoption:

Amend by adding to Section 14 the following:

“The patient shall have the absolute right to select his or her own physician and when acting for any patient in such hospital, the physician employed by such patient shall have exclusive charge of the care and treatment of such patient and nurses therein shall as to such patient be subjected to the directions of such physician.”

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

Add to Section 14 as amended, “subject always to such general rules and regulations as shall be established by the Board of Trustees under the provisions of this act.”

Adopted.

Senator Gilliland moved that the further consideration of the bill be postponed until Tuesday morning.

The motion was lost.

Senator Gilliland moved that the further consideration of the bill be postponed until tomorrow morning.

The motion was lost.

Senator Gilliland moved that the time for adjournment be extended until 12:30 o'clock.

The motion was lost.

Senator McCulloch moved that the further consideration of the bill be postponed until 10:00 o'clock, A. M., Wednesday.

The motion was lost.

Senator Frudden moved that the time for adjournment be extended until 12:15 o'clock.

Carried.

Senator Van Law moved the previous question.

Carried.

Senator Foley moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Quigley, Ream, Sammis, Saunders, Smith of Des Moines, Smith of Mitchell, Savage, Stuckslager, Van Law, Whipple, White Whiting, Wilson—40.

The nays were:

Senators Brown, Seeley—2.

Absent or not voting:

Senators Adams, Burgess, Gilliland, McCulloch, Parshall, Peterson, Proudfoot, Taylor—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 95, a bill for an act to amend Section one thousand seven hundred and nine (1709) of the Supplement to the Code, 1907, relating to insurance other than life, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 95.

A Bill for an Act to Amend Section Seventeen Hundred and Nine (1709), Supplement to the Code, 1907, Relative to Insurance Other Than Life.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section seventeen hundred and nine (1709) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the semi-colon as found after the word "therewith" at the end of subdivision five (5) of said Section, and adding the following: "and physicians, hospitals, dentists and druggists against loss in conse-

quence of error or mistake in the treatment of patients or compounding of drugs;" and when so amended the bill do pass.

W. P. WHIPPLE,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 138, a bill for an act amendatory to Chapter four (4), Title nine (9) of the Code relating to fire insurance, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Jamieson, Senate File No. 238, a bill for an act amending Section Two Thousand One Hundred and Twenty-six (2126) of the Code, relative to railway rates.

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

By Senator Jamieson, Senate File No. 239, a bill for an act amending Chapter One Hundred and Eleven (111) of the Acts of the Thirty-second General Assembly, relating to joint freight rates over two or more connecting lines of railway between points within the State.

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

By Senator Jamieson, Senate File No. 240, a bill for an act to appropriate money for the use of the Clarinda State Hospital at Clarinda, Iowa.

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

By Senator Jamieson, Senate File No. 241, a bill for an act to amend Section Forty-seven (47) of the Code, relative to compensation of newspapers for the publication of laws.

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

By Senator Jamieson, Senate File No. 242, a bill for an act to amend Section Eleven Hundred Thirty-one (1131) of the Code, granting women the right to vote upon certain questions, additional to Chapter Three (3) of Title VI, of the Code.

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

By Senator Jamieson, Joint Resolution No. 2, proposing an amendment to the Constitution of the State of Iowa, amendatory of Section One of Article II of said Constitution.

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

JOINT RESOLUTION NO. 2.

Proposing an Amendment to the Constitution of the State of Iowa, Amendatory of Section One of Article II of Said Constitution.

Be it Resolved by the General Assembly of the State of Iowa:

That Section one of Article II of the constitution of the state of Iowa be amended by striking out the word "male" in the first line thereof.

Be it Further Resolved, 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.

Resolved Further, That should said proposed amendment be agreed to by a majority of the members of the said succeeding General Assembly, the said proposed amendment shall be submitted to the electors of the state of Iowa at the general election in the year 1912.

Senator Gilliland offered the following communication, which was read:

IOWA EQUAL SUFFRAGE ASSOCIATION.

HONORARY PRESIDENT, MARY J. COGGESHALL, DES MOINES.

CORRESPONDING SECRETARY, DR. NINA WILSON-DEWEY, 222 K. P. BLOCK,
DES MOINES.

To Lieut. Gov. Clarke and the Honorable Members of the Iowa Senate:

You are most cordially invited to attend the Woman Suffrage mass meeting at the Auditorium on Sunday afternoon, February 21st. Music

by Henry and his band and the Plymouth Choir. Prominent men and women will speak.

IOWA EQUAL SUFFRAGE ASSOCIATION.

Senator Gilliland moved that the Senate accept the invitation.

The motion was lost.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 64, a bill for an act making an appropriation for the salary and expenses of state agents and other expenses incurred under chapter one hundred and eighty-one of the Acts of the Thirty-first General Assembly, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 219, a bill for an act to amend Section twenty-six hundred ninety-two-a and Section twenty-six, hundred ninety-two-c of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the words "the law as it appears in" be inserted after the word "amend" in the first line of the title.

That Section 1 be amended by inserting after the word "That" in the first line the words "the law as it appears in;" also that the word and figure "three (3)" in the third line of said Section be stricken out and the word "two" be inserted in lieu thereof; also that the word "five" in line five of said Section be stricken out and the word "four" be inserted in lieu thereof.

That Section 2 be amended by inserting after the word "That" in the first line the words "the law as it appears in," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 145, a bill for an act to co-operate with the city

of Marshalltown in constructing a permanent dam across the Iowa river, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

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

Senator Gilliland moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 A. M., o'clock tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 20, 1909.

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

Prayer was offered by the Rev. A. R. Miller of Stuart, Iowa.

On request of Senator Smith of Des Moines, leave of absence was granted Senator Fitchpatrick, until Monday.

On request of Larrabee, leave of absence was granted Senator Van Law, for the day.

On request of Senator Adams, leave of absence was granted Senator McCulloch, for the day.

On request of Senator Hammill, leave of absence was granted Senator DeWolf, until Monday.

On request of Senator Hoyt, leave of absence was granted Senator Sammis, for the day.

On request of Senator Mattes, leave of absence was granted Senators Clark and Maytag, until Monday.

On request of Senator DeArmand, leave of absence was granted Senator Parshall, indefinitely on account of sickness.

On request of Senator Chapman, leave of absence was granted Senator Clarkson, for the day.

PETITIONS AND MEMORIALS.

Senator Smith of Mitchell presented remonstrance from citizens of Winnebago County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Savage presented petition from residents of Greenfield, Adair County, Iowa, favoring the passage of a Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Savage presented remonstrance from Modern Woodmen of America of Macksburg, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Saunders presented remonstrance from Camp 1743 Modern Woodmen of America, Armour, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Francis presented two petitions from Palo Alto County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented remonstrance from citizens of Washington Township, Adams County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gates presented remonstrance from citizens of Butler County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented remonstrance from citizens of Dubuque, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented petition from residents of Hancock County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary .

Senator Hoyt presented petition from citizens of Buchanan County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented petition from residents of Fayette County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented remonstrance from Lansing Camp No. 2142 Modern Woodmen of America, Lansing, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Allen of Van Buren presented petition from the members of the Presbyterian Church of Birmingham, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from citizens of Audubon County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented two remonstrances from Bower Camp No. 1485, Modern Woodmen of America, Guthrie Center, Iowa, and Yale Camp, No. 2658 Modern Woodmen of America, Yale, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Larrabee presented petition from residents of Webster County favoring the passage of the Sunday Observance Law.

Referred to Committee on Insurance.

Senator Hunter presented petition from residents of Woodbury County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented remonstrance from citizens of Salix, Woodbury County, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Des Moines presented petition from the Alpha Club and also members of the Iowa Federation of Women's Clubs of Burlington, Iowa, favoring the passage of the bill revising the school laws of the state.

Referred to Committee on Schools.

Senator Taylor presented two petitions from residents of Appanoose County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Balkema presented remonstrance from Amolia Camp No. 749 Modern Woodmen of Sanborn, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Allen of Pocahontas presented remonstrance from citizens of Humboldt County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented remonstrance from citizens of Dubuque County against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Hammill presented remonstrance from Modern Woodmen of America of Klemme, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

The President presented petition from residents of Dallas County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented remonstrance from patrons of independent school district of Durant, Iowa, against the proposed change in the School Law.

Referred to Committee on Schools.

Senator Hammill presented remonstrance from school board of Ell Township, Hancock County, Iowa, against the proposed charges in the School Laws.

Referred to Committee on Schools.

Senator Nichols presented petition from citizens of Louisa County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Nichols presented petition from residents of Louisa County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Nichols presented remonstrance from Wapello Camp No. 3005 Modern Woodmen of America of Wapello, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Hammill presented remonstrance from residents of Concord Township, Hancock County, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Balkema presented petition from citizens of O'Brien County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Seeley, Senate File No. 243, a bill for an act to amend the law as it appears in section two thousand three hundred and forty-eight (2348) of the Code, relating to bounties on wolves.

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

By Senator Seeley, Senate File No. 244, a bill for an act to amend sections four hundred and fifty-eight-c (458-c) and four hundred and fifty-eight-d (458-d) of the Supplement to the Code, 1907, relating to injuries to domestic animals and the payment of damage therefor.

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

The President announced the following communications which were read:

STATE OF SOUTH DAKOTA.

ELEVENTH LEGISLATIVE ASSEMBLY,
HOUSE OF REPRESENTATIVES.
HOUSE JOINT RESOLUTION NO 7.

A Joint Resolution and Memorial Requesting Congress, Under the Provision of Article Five of the Constitution of the United States, to Call a Convention to Propose an Amendment to the Constitution of the United States Whereby Polygamous Cohabitation Shall be Prohibited and Congress given Power to Enforce such Prohibition by Appropriate Legislation.

Be it Resolved by the House of Representatives and Senate Concurring:

WHEREAS, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce;

Now Therefore, Be it Resolved that application be and hereby is made to Congress, under the provision of Article Five of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the Legislatures of all other States of the United States now in session, or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved Further, That the Secretary of State be and hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

I, Samuel C. Polley, Secretary of State of South Dakota, and keeper of the Great Seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of House Joint Resolution No. 7 as passed by the Legislature of 1909, together with the endorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, done at the City of Pierre this 6th day of February, 1909.

(SEAL)

SAMUEL C. POLLEY,
Secretary of State.

To the Senate of the Iowa Legislature:

MR. PRESIDENT—I have the honor herewith to present a Concurrent Resolution which the Senate and House of Representatives of the Eleventh Session of the North Dakota Legislature have passed and your favorable consideration is respectfully requested.

USHER L. BURDICK,
Speaker of the House.

CONCURRENT RESOLUTION.

WHEREAS, The people of the State of North Dakota, wishing to show their honor and respect for the brave and gallant soldiers who were killed in the battle of Whitestone Hills on the third day of September, 1863, and

WHEREAS, There were numbered among the slain in that battle many members of the 6th and 7th Iowa Cavalry and also many members of the 2d Nebraska Cavalry, and

WHEREAS, The Government of the United States has granted to the State of North Dakota a tract of land embracing the site of said battlefield, and

WHEREAS, The Governor of the State of North Dakota has appointed a board of trustees to care for said ground by erecting a monument and headstones and otherwise improving and beautifying said grounds, and

WHEREAS, An exigency exists for the creation of a fund to carry out the above named purposes, therefore be it

Resolved by the House of Representatives, the Senate Concurring, That we hereby respectfully request the Legislative Assemblies of the States of Iowa and Nebraska each to make a liberal appropriation to aid in carrying to completion the work as above outlined and any moneys arising from any appropriations for purposes above stated to be paid to the treasurer of the State of North Dakota to be held as a special fund therefor, and be it further

Resolved, That a copy of these resolutions be at once transmitted to the Legislative Assemblies of the States of Iowa and Nebraska.

U. L. BURDICK,
Speaker of the House.

WARREN D. AUSTIN,
Chief Clerk of the House.

R. S. LEWIS,
President of the Senate.

JAMES W. FOLEY,
Secretary of the Senate.

I hereby certify that the within Concurrent Resolution originated in the House of Representatives of the Eleventh Legislative Assembly of the State of North Dakota and was concurred in by the Senate.

WARREN D. AUSTIN,
Chief Clerk of the House.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate amendments to House File No. 130, in which the concurrence of the House was asked:

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

C. R. BENEDICT,
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. 1, a bill for an act to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place.

C. R. BENEDICT,
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. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.

C. R. BENEDICT,
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. 50, a bill for an act to legalize the action and proceedings of the city council of the city of Manchester, relative to the boundary line and extent of the limits of said city.

C. R. BENEDICT,
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. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the state against persons, partnerships, corporations or associations.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEES.

Senator Dowell, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 115, a bill for an act providing limitations for the commencement of actions relative to real property, additional to Chapter two (2), Title eighteen (18) of the Code, but not amendatory thereto, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 115.

A Bill for an Act to Amend the Law as it Appears in Section Thirty-four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, Relating to Recovery of Interest in Real Estate When the Spouse has Failed to Join in the Conveyance.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Amend the law as it appears in Section thirty-four hundred forty-seven-b (3447-b) of the Supplement to the Code, 1907, by inserting between the words "legal" and "title," the words "or equitable;" by striking out the figures "1885" in the third line thereof and substituting therefor "1898," and by adding after the word "barred" in the fourth line from the bottom of said Section, the following: "but if so filed such right shall be preserved for the period of one year after same accrues by the death of the spouse, and if proceedings be not instituted within one year from the death of such spouse for the establishment of such interest, same shall be forever barred," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute, and providing a punishment for the violation thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 214, a bill for an act to amend Section seventeen hundred

forty-one (1741) of the Code relating to insurance, and applications and representations for insurance, and to provide remedies therein, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Insurance.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Insurance.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 179, a bill for an act to amend the law as it appears in Sections two hundred fifty-four-a-thirteen (254-a-13), two hundred fifty-four-a-fourteen (254-a-14), two hundred fifty-four-a-fifteen (254-a-15), two hundred fifty-four-a-sixteen (254-a-16), two hundred fifty-four-a-seventeen (254-a-17), two hundred-fifty-four-a-eighteen (254-a-18), two hundred fifty-four-a-nineteen (254-a-19), two hundred fifty-four-a-twenty (254-a-20), two hundred fifty-four-a-twenty-one (254-a-21), two hundred fifty-four-a-twenty-two (254-a-22), two hundred fifty-four-a-twenty-three (254-a-23), two hundred fifty-four-a-twenty-four (254-a-24), two hundred fifty-four-a-twenty-five (254-a-25), two hundred fifty-four-a-twenty-six (254-a-26), two hundred fifty-four-a-twenty-seven (254-a-27), two hundred fifty-four-a-twenty-eight (254-a-28), two hundred fifty-four-a-29 (254-a-29) and two hundred fifty-four-a-thirty (254-a-30) of the Supplement to the Code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts of proceedings brought under said sections, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend the bill by striking therefrom all of Section 4, and when so amended the bill do pass.

C. C. DOWELL,
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 amend the law as it appears in Section five hundred ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a board of examiners in optometry, beg

leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 91.

A Bill for an Act to Define and Regulate the Practice of Optometry and for Creation of a Board of Examiners in Optometry.

Be it Enacted by the General Assembly of Iowa:

SECTION 1. The practice of optometry is the employment of the subjective and objective mechanical means to determine the accommodative and refractive conditions of the eye and the scope of its functions in general, the employment of means other than the use of drugs for the measurement of the powers of vision, the position and movements of the eye ball, and the application and adjustment of lenses for the correction of errors of refraction, the relief of eye-strain, and the aid of vision.

SEC. 2. The board of optometry examiners shall be appointed by the Governor and consist of three optometrists who have been engaged in the practice of optometry not less than five years in the State of Iowa, and are recommended by the Iowa State association of Optometrists, one physician member of the State Board of Health, and the Secretary of the State Board of Health. They shall be appointed not later than January 1st to serve for one year. Vacancies shall be filled by the Governor, but the number of optometrists shall neither be increased nor diminished by any appointment to fill vacancy.

SEC. 3. The board shall organize by selecting one of its members as president and the secretary of the State Board of Health shall serve as secretary for the board. They shall meet at least once each year the second Tuesday in May, and at such other times as they may deem necessary in the office of the State Board of Health. A majority of the board present shall constitute a quorum and its meetings shall at all reasonable times be open to the public. This board shall have power to make all needed regulations for its government and proper discharge of its duties in accordance with this act.

SEC. 4. No members of the faculty of any optical school or college, or members of any wholesale or jobbing optical house shall be eligible to an appointment upon the State Board of Examiners in optometry.

SEC. 5. The board shall, at any regular meeting, and may, at any special meeting, examine applicants for a license to practice optometry. Such examination shall be confined to such knowledge and requirements as are essential to the practice of optometry. Said board shall issue a license or certificate duly authorizing such as are found to be qualified to practice optometry. Such certificate shall be conclusive as to the rights of the lawful holders of same to practice optometry on the State of Iowa. The name, age, nativ*ty, location, number of years of practice of the person to whom a license is given, the number of the license and the date or registration thereof shall be entered in a book kept in the office of the secretary of the board, which shall be open to the inspection of the public, and the number of the book and page containing such entries shall be noted on the face of the license.

SEC. 6. On and after July 1, 1909, every person desiring to begin or continue the practice of optometry in this state, must furnish satisfactory evidence that he is twenty-one years of age and of good moral character; that he has had a preliminary education equivalent to at least two years study in an accredited high school; that he has studied three years in the office of a registered optometrist or is a graduate from a standard school of optometry, before he shall be eligible to examination by the board. And he shall not be entitled to be registered or to receive a license from the board unless he shall show proficiency in the following subjects—Physiology, medical physics, practical optometry, anatomy of the eye and ophthalmology, medical physics, practical optometry, anatomy of the eye and ophthalmology. Every person successfully passing such examination shall be registered by the board and receive a license. But any person who is a bona fide resident of Iowa who shall have continuously engaged in the practice of optometry for more than three (3) years in the state prior to the passage of this act, shall (upon submitting proof of same) be entitled to receive from said board a license to practice and a certificate of exemption from examination.

SEC. 7. Every person entitled to a certificate of exemption from examination as herein provided must make application therefor and present the evidence to entitle him thereto or before six months after the passage of this act or he shall be deemed to have waived his right to such certificate. Any license issued by said board of examiners may be revoked by said board for violation of the law, incompetency, immorality or inebriety. Provided that before any certificate or license shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, and at least five (5) days after the service thereof, be given a public hearing and have ample opportunity to produce testimony in his behalf and confront the witnesses against him. Any person whose certificate has been revoked may, after the expiration of ninety (90) days, apply to have same regrantd upon a satisfactory showing that the disqualification has ceased.

SEC. 8. The fee for said examination shall be fifteen (\$15.00) dollars, for which a license shall be issued, to practice optometry in this state. Fee payable in advance to secretary of the board. Should applicant fail in his examination one-half of said fee shall be returned to him. For a certificate of exemption a fee of ten dollars (\$10.00) shall be paid to the secretary of the board of examiners, for which a license shall be issued to practice optometry in this state; said fees constitute a fund for expenses made necessary by this act. From this fund the board shall cause to be paid all necessary expenses incurred in the administration of this act.

SEC. 9. Every person to whom a license is issued under this act shall file the same with the clerk of the district court in the county in which he resides and also in each county wherein he practises his profession. The clerk of the court shall be entitled to charge twenty-five cents for filing such license.

SEC. 10. Each member of the board of examiners (except the secretary) shall be paid five dollars (\$5.00) for each day actually engaged in the duties of his office with actual expenses incurred by him in the discharge of such duties, from the fund created by the payment of fees by applicants

for examination. Secretary shall receive his necessary expenses incurred for services which cannot be performed at the Capitol. All printing, postage and other contingent expenses necessarily incurred under the provision of this act shall be paid from said fund. All expenses incurred under the provisions of this act shall be itemized thereupon and audited and a warrant drawn therefor on the optometrists fund in the same manner as other expenses of the State Board of Health.

SEC. 11. This act shall not be construed to apply to merchants or dealers who sell glasses as merchandise and who do not profess to be optometrists or practice optometry as herein defined.

SEC. 12. No person practicing optometry in this state shall advertise himself to be other than an optometrist or use the word doctor as a prefix to his name unless he uses the word optometrist as an affix.

SEC. 13. Any person who shall practice optometry in this state in violation of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not more than thirty (30) days.

SEC. 14. All unappropriated funds arising under this act shall be accounted for and turned into the state treasury on January 1st of each year.

SEC. 15. This act shall take effect on and after July first, nineteen hundred and nine. (July 1, 1909) and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

HOUSE MESSAGES CONSIDERED.

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

Passed on file.

House File No. 1, a bill for an act to make an appropriation for the removal of the remains of Ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

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

Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison, and making an appropriation to defray the expense thereof.

Passed on file.

Substitute for Senate File No. 50, a bill for an act to legalize the action and proceedings of the city council of the city of Manchester, relative to the boundary line and extent of the limits of said city.

Passed on file.

Senate File No. 45, a bill for an act providing for the settlement of claims and demands for money or other property held by the state against persons, partnerships, corporations or associations.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Savage, Senate File No. 87, a bill for an act to repeal section sixteen hundred seventy-five (1675) of the supplement of the Code and to enact a substitute therefor, relative to Farmers' Institutes with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Savage moved that the substitute be substituted for the original bill.

Carried.

Senator Savage moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Nichols, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Clark, Clarkson, DeWolf, Fitchpatrick, McCulloch, McManus, Maytag, Moon, Parshall, Quigley, Sammis, Saunders, Stuckslager, Van Law—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Peterson asked unanimous consent that Senate File No. 4 be made a Special Order for next Tuesday at 10:00 o'clock A. M.

Consent granted.

On motion of Senator Smith of Des Moines, House File No. 161, a bill for an act to amend sections twenty-seven hundred eight (2708) twenty-seven hundred nine, (2709) as they appear in Supplement to the Code, 1907, relating to the age at which boys and girls may be committed to the industrial schools, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith of Des Moines moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Cossion, De Armand, Dwell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Clark, Clarkson, DeWolf, Fitchpatrick, McCulloch, McManus, Maytag, Parshall, Quigley, Sammis, Stuckslager, Van Law—13.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Whipple, Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, De Armand, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Clark, Clarkson, Cosson, DeWolf, Dowell, Fitchpatrick, McCulloch, Maytag, Parshall, Sammis, Stuckslager, Van Law—12.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced that he had signed in the presence of the Senate House Files Nos. 170-179-119.

On motion of Senator Francis, Senate File No. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption.

Amend by striking out in line four the words "of supervisors" and inserting in lieu thereof the words "or officer."

Adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, DeArmand, Foley, Francis, Frudden, Gates, Hammill, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Balkema, Clark, Clarkson, DeWolf, Dowell, Fitchpatrick, Gilliland, Hoyt, McCulloch, Maytag, Parshall, Sammis, Stuckslager, Van Law, White—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Francis moved that the vote by which Senate File No. 224 passed the Senate be reconsidered.

Carried.

Senator Francis moved that the vote by which the bill passed to its third reading be reconsidered.

Carried.

Further consideration of the bill was postponed.

On motion of Senator Smith of Des Moines, Senate File No. 199, a bill for an act to repeal the law as it appears in Section 5718-a-29 and Section 5718-a-30 of the Supplement to the Code, 1907, relative

to annual vacations for officers and guards of the penitentiaries, was taken up and considered.

Senator Smith of Des Moines moved that the bill be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

On motion of Senator Peterson Senate File No. 172, a bill for an act to amend Section Twenty-six Hundred and One (2601) of the Code, relating to admission of inmates to the Iowa Soldiers' Home, located at Marshalltown, was taken up and considered.

Senator Peterson moved that the Senate concur in the following House amendment:

Amend by inserting in line two of Section One after the word "wives" the words, "a comma."

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

The ayes were:

None.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, Whiting, Wilson—37.

Absent or not voting:

Senators Clark, Clarkson, De Wolf, Dowell Fitchpatrick, McCulloch, Maytag, Parshall, Ream, Sammis, Smith of Mitchell and Van Law—13.

So the Senate refuses to concur in the House amendment.

On motion of Senator Savage Senate File No. 141, a bill for an act to repeal Section Thirteen Hundred Sixty-three (1363) of the Code, relative to statistics, and enacting a substitute therefor, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Savage moved that the rules be suspended, the bill 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Chapman, Cosson, De Armand, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Brown, Burgess, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Gilliland, McCulloch, Maytag, Parshall, Sammis, Saunders, Stuckslager, Taylor, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Moon, Senate File No. 127, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-four (674) of the Supplement to the Code, 1907, relating to the compensation of Assessors in cities of the first class, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Moon moved the adoption of the following amendment:

Strike out the word "that" in the first line of Section 1 and insert in lieu thereof, "the law as it appears in."

Adopted.

The bill as amended was read for information.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Chapman, Cosson, De Armand, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Larrabee, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Bennett, Burgess, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Hoyt, Hunter, Jamieson, McCulloch, McManus, Maytag, Parshall, Sammis, Smith of Des Moines, Stuckslager, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, substitute for Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same, and fixing penalty for violation, was taken up and considered.

Senator Francis moved that the Senate concur in the following House amendment:

Amend by striking out the word "the" in the first line of section one and inserting in lieu thereof the word "any"; and by striking out all after the word "shall" in the last line of Section Four and inserting in lieu thereof the following: "Upon conviction be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days."

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

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De

Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Clark, Clarkson, De Wolf, Fitchpatrick, Jamieson, McCulloch, McManus, Maytag, Parshall, Ream, Sammis, Smith of Des Moines, Stuckslager, Van Law, Whipple—15.

So the amendments having received a constitutional majority was declared concurred in by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 37, a bill for an act to repeal Section thirteen hundred sixty-six (1366) of the Code and enact a substitute therefor relative to assessment rolls.

Also:

Senate File No. 88, a bill for an act to repeal Section twenty-three hundred forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure-bred stallions.

Also:

Senate File No. 93, a bill for an act to repeal the law as it appears in Section sixteen hundred fifty-seven-q (1657-q) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the auditing of accounts of the Department of Agriculture.

Also:

Senate File No. 102, a bill for an act to amend the law as it appears in Section three hundred and eight (308) of the Supplement to the Code, 1907, relating to the compensation of county attorneys.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams 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. 37, a bill for an act to repeal Section thirteen hundred sixty-six (1366) of the Code and enact a substitute therefor relative to assessment rolls.

Also:

Senate File No. 88, a bill for an act to repeal Section twenty-three hundred forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure-bred stallions.

Also:

Senate File No. 93, a bill for an act to repeal the law as it appears in Section sixteen hundred fifty-seven-q (1657-q) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the auditing of accounts of the Department of Agriculture.

Also:

Senate File No. 102, a bill for an act to amend the law as it appears in Section three hundred and eight (308) of the Supplement to the Code, 1907, relating to the compensation of county attorneys.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 37-88-93 and 102.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 37, a bill for an act to repeal Section thirteen hundred sixty-six (1366) of the code and enact a substitute therefor relative to assessment rolls.

Also:

Senate File No. 88, a bill for an act to repeal Section twenty-three hundred forty-one-d (2341-d) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure-bred stallions.

Also:

Senate File No. 93, a bill for an act to repeal the law as it appears in Section sixteen hundred fifty-seven-q (1657-q) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the auditing of accounts of the Department of Agriculture.

Also:

Senate File No. 102, a bill for an act to amend the law as it appears in Section three hundred and eight (308) of the Supplement to the Code, 1907, relating to the compensation of county attorneys.

HENRY L. ADAMS,
Chairman.

Adopted.

By unanimous consent Concurrent Resolution memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor, was taken up for consideration.

Senator Frudden moved the adoption of the concurrent resolution.

Adopted.

Senator Bruce asked unanimous consent to have the remarks made by Senator Frudden, printed in the journal.

Consent granted.

MR. PRESIDENT AND SENATORS—In offering this resolution, or before I move the adoption of same, permit me to make a few remarks pertaining to my own observation in late years, as well as knowledge that I have gained pertaining to the necessity of improving the American rivers and waterways, at the different conventions that I have attended as a delegate, and from what knowledge I have picked up from the statistics on the question involved.

I will admit that no doubt some of the senators who are present here today have given the matter as much time and attention as I have, perhaps some have given more, but I am satisfied that there are also some who have not, and for their benefit I have prepared some statistics, some proofs, why I believe that this resolution should be adopted by this body at this time. I do not know of any better time or place to get this question so thoroughly before the people of Iowa as at this time. At no other time or place would the state be so represented from the different

localities as they are during the time of the session of the legislature. Therefore, I believe it is well to pause a moment from our legislative duties if you should look upon this as a little outside, and devote a few moments to what is today considered, by all the thinking men of the nation one of the most important questions, namely, the preservation of our forests and the improvement of the American waterways. The problem of transportation has no doubt become one of the first concerns of this commercial republic, in the last few years. The sober thought of the community has reached the conclusion that the vast transportation question can only be solved by the use of water transportation and the railroad problems can best be settled by the development of our inland waterways.

The nations which are our chief competitors, years ago realized this proposition, and are moving with magnificent energy to accomplish these improvements. Take for instance the Republic of France, no larger than Texas, in fact quite a little less in area; she has quarupled her interior waterways at an expense of seven hundred and fifty million dollars. Germany, the wisest of all nations, as far as the taking care of her forests and waterways is concerned, I am proud to say, has ten thousand miles of inland waterways. In fact, It is the German policy to make a highway of every stream that has water enough to fill a canal. I have been told that one fiftieth of a cent per mile marks the pre-eminence of Germany over other nations, and this advantage, due solely and wholly to her interior waterways, is pushing England and other nations to the last limit of successful competition. Much in that respect might even be said for China. I understand that China has so wonderful a system of canals that almost every town can ship by water to the sea. When we come to the twin kingdoms of Belgium and Holland, the old saying is that the ocean is brought to every city, and we know, small as they are, that Belgium and Holland today are world powers in commerce and manufacture.

I said a while ago that Germany has ten thousand miles of inland waterways, and I can say of the little British Isles, with all their strength of sea coast, they have over four thousand miles of canals. Even the Great Empire of Russia, backward as it may be, has constructed canals, so that one now may sail from Moscow or St. Petersburg to the Black Sea, or from the Caspian Sea to the Artic Ocean.

Now if those different countries I have enumerated have spent such vast sums of money to improve their rivers and harbors, and connect their different waterways by canal, there must be a reason for it, and it is this. First, because water transportation is much cheaper than by rail, and in some cases even quicker, for heavy and low class commodities. It has been proven that on our improved lakes and rivers the cost of transportation is only about one-sixth of the average cost by rail; from that to one eighth. Second, because of the congestion and over crowded condition of our railroads, and their inability to handle the commerce of the country. In fact, statistics prove that during the past ten years production has increased in this country 126 per cent and railroad facilities for handling it only 22 per cent. Now we all know that improved waterways would relieve this congestion very materially, if not entirely. Third, because our strong commercial competitors, Germany and France, have

so thoroughly developed and improved their waterways, and cheapened freight charges that we will be unable to compete with them in the world's market, unless we do likewise.

Then perhaps the question that confronts us at this time is what is the intent of the moving spirits that now ask to petition Congress to spend five hundred million dollars, or as much as may be necessary, to improve the American waterways. My answer to that, Mr. President and Senators, is that a number of men all over the United States have formed themselves into different groups or organization, to endeavor to bring about a uniform action in the improvement of the American waterways.

I desire to take up a few moments of your time in referring to the Memphis convention, held in the fall of 1907, to which I happened to be a delegate, representing the commercial bodies of our city, and where I had the pleasure of listening to men who have made that a special study for a good many years. Among those were President Roosevelt, Congressman Jos. E. Ransdell, President of the National River and Harbor Congress, Mr. Cavanaugh of Missouri, President of the Lake to the Gulf Deep Waterways Association; Thos. E. Wilkenson of Iowa, President of the Upper Mississippi Valley Improvement Association; the president of the Ohio River Improvement Association; the governors of a number of states of the Mississippi Valley and quite a few congressmen, together with a number of expert engineers. The object of that meeting in particular, and in which perhaps we are most interested, next to the improvement of the Upper Mississippi, was to advance the digging of a fourteen foot channel, at low water mark, through the Valley, starting at Chicago, on Lake Michigan, and running to the Eads Jettie, in the Gulf of Mexico, a distance of 1625 miles, together with the improvement of other waterways. In connection with that lake to the gulf route, it is expected to use the Chicago harbor and drainage canal, already completed by the city of Chicago, at an expense of over \$53,000,000.00 now forty-one miles in length, to Joliet, with a depth of 24 feet at low water at Lake Michigan, and 163 feet wide in rock cut, and from two to three hundred feet in earth; and as we all know, at the recommendation of Governor Deneen, the State of Illinois has voted another twenty million dollars to further extend that canal down towards the Mississippi. Or in other words, to the improvement of the Illinois river to the Mississippi.

We also know that heretofore the millions after millions of dollars that have been expended by Congress, intended for the improvement of our waterways have been solely of a temporary nature. A good deal the same way that we are spending tens of thousand of dollars every year on the roads and highways of our state. But they outlined at that meeting, and it was confirmed by future gatherings, by the National River and Harbor Congress that met later on, and by the different local organizations, that what is wanted is a fourteen foot channel, to begin with, from the lake to the gulf, and a nine foot channel for the Ohio, and a seven or eight foot channel for the Upper Mississippi and Missouri. And I believe it is up to the American people to make an individual and a collective demand on their congressmen, as we are trying to do through this petition that is before you today, that the members of congress sup-

port in full such measures as will finally bring about at an early date, the improvement of the American waterways.

Perhaps the question that confront us at this time is—is it worth while for the American people to spend five hundred million dollars in river and harbor improvements, within the next ten years? Now those who have given the matter any thought will say yes. We know this is a fact; that since the government has expended five million dollars in the improvement of the Boston harbor, so that vessels of 32 foot draught can come in and take on cargo, the price of exporting grain from Boston to Liverpool has been reduced from nine cents to three cents. We know that river and lake transportation is by far cheaper than rail. For instance, at present, in carrying grain from Chicago to New York by water, to Buffalo, thence by rail to New York, the boat gets only one-third, and the cars get two-thirds of the total, although bear this in mind, that the boat mileage is about double that of the cars. Iron ore is carried on the Lake one thousand miles for eighty cents a ton, and 135 miles by rail to Pittsburg costs 90 cents a ton. A ton of coal has been brought to Pittsburg by river for four cents a ton, and the same distance by rail when navigation was suspended, for 44 cents a ton. Statistics show that the average cost of moving a ton of freight a mile by rail in the United States is seven and eighth-tenth mills, a mile; by water on the Great Lakes it is eighty-five hundredths of a mill, and on the Ohio and Lower Mississippi river three and one-tenth mill. To carry a bushell of grain from Chicago to New York by rail costs about ten cents, and the same from Chicago to Liverpool about eleven cents, or in other words, one cent approximately is added for the additional three thousand miles haul across the Atlantic.

As I have said elsewhere, we have pursued a very unsatisfactory policy in getting appropriations for what was known as river and harbor improvements, and I believe that Senator Cummins, who was then Governor of Iowa, and as such represented the state at that convention to which I have referred, struck about the keynote when he said something like this. "The money heretofore appropriated and expended for the improvement of rivers and harbors, we have very little to show for" and then he went on to say, "We must disburse the generally accepted notion that it is the duty of every congressman to secure a part of the appropriation in the river and harbor bill, even though he has nothing in his district to work upon but a dewdrop and a depression; and that has been the policy heretofore pursued. Every congressman felt it his duty to get just as much as he could out of that allotment for his particular districts, no matter whether it was needed, or any benefit derived therefrom."

Now, we must awaken a patriotism that will demand that appropriations be made for those improvements which will most benefit the commerce of the whole country, and which will be permanent and lasting in their nature. These natural channels will never bear the traffic that is awaiting them, unless we can surround the enterprise with the same intense appreciation of the public good that impelled the government to undertake the Panama Canal.

Now I do not want to have it understood, senators, that I am criticising congress, but I am simply pointing out the only path, of certain success. It has been said in the past that railroad presidents and railroad

corporations oppose the movement, but such is not the case any more. Mr. I. F. Harragan, president of the Illinois Central, was one of the speakers at that Memphis convention, and I remember very well the words he spoke. He said, "We do not fear wholesome competition, which the development of our waterways would offer, but on the contrary we anticipate that with the additional traffic created thereby, it would vastly increase our tonnage, and therefore our revenue." We know that the noted railroad man, Jas. J. Hill, and also Mr. Stickney, have favored it in a great many of their talks before the commercial bodies, and everybody who has been connected with it more or less in late years, has come to this conclusion; that the carrying out to a successful end of a deep waterway, such as is proposed, will be a direct benefit in general, and to the Mississippi Valley in particular. Of course we are, and must be, interested in the entire territory which such a waterway would traverse, and particularly in the development of the most fertile region all through the valley. Governor Folk of Missouri, who was also one of the delegates to that convention said this. No more important question is before the people of this country than the one that here and now is being considered by this convention. With waterways made adequate for traffic, the monopoly of railroads in carrying freights will be broken, and competition will settle the regulation of rates. I desire to refer to one more of the governors who appeared as a delegate at that Memphis Convention, namely to Governor Burke of North Dakota, who, as perhaps some of you know, is a very witty Irishman. He pointed, as I particularly remember, to a very large map of the United States that hung at the east end of the hall in which the convention was held, and he said, "That map does not show all of the rivers. We have a river up in North Dakota which flows down out of Canada into our state, and then evidently not being pleased with the treatment and the indifference shown it by the American people, it turns around and flows right back into Canada; and he carried an illustration with the following story. Upon the arrival of the first baby, a man and his wife had invested in a baby buggy. After ten or twelve more children had arrived, the wife said, "John, we need a new buggy." "I was afraid it was not a good buggy when I got it," said John; "now here is some money—get a good one this time, that will last us as long as we need it." In the same way, let us make improvements on the rivers and harbors that are permanent, and will last us as long as we need them.

Now it is practically agreed upon a systematic improvement of all of our waterways, and that is under the supervision of army and navy engineers, under what is known as the continuous contract system. That would mean that the full amount of five hundred million, or as much as is necessary, would be appropriated, of which each year for ten successive years, one-tenth should be expended on the American waterways, and at the end of the ten years, according to the report of the best engineers, America would have a system of which it could be proud; and it is necessary that we call the attention of our congressmen to the need of such a system, and this is perhaps as good a way as any to get their attention. Iowa so far has been very backward in taking any progressive steps in that matter. The State of Illinois, as I have already stated, is very active, and two years ago, the State of Wisconsin sent Judge R. S.

Reid State Waterway Commissioner, abroad to study the subject of European waterways, and upon his return he said this. "I am satisfied that the great Mississippi river, if improved, between the tide water and St. Paul, is capable of carrying ten times the traffic of all the navigable rivers of Germany, Austria, France and England. If the Mississippi river were used in the same manner as the German rivers, it could easily carry all the freight produced in the Mississippi Valley, and at a low cost." I know, Mr. President, and Senators, that the territory in which every one of us are interested in that great valley, the twelve states north of the Ohio, raise practically all the surplus grain is this country; and the same states have about 60 per cent of the live stock, and supply practically all the iron ore for the northern steel trade. I will give you here the clearance of a few of the sea ports, Chicago included, for the year 1907.

New York	10,304,000 tons
Hamburg	9,525,000 tons
London	7,913,000 tons
Chicago	7,665,000 tons
Liverpool	6,933,000 tons
Boston	2,334,000 tons
Philadelphia	285,000 tons

The city of Antwerp is left out, but it very likely equals the city of Hamburg, and it probably would come in between London and Hamburg. In all the foreign countries practically all the factories, or as many as possible, are concentrated in that part of the country where it is possible to get cheap transportation by water to the sea, and is it not true in this country, that our great manufacturers are looking for it? Take the United Steel Corporation; it is now spending from seventy-five to a hundred million dollars in building the largest steel plant in the world in a sandy waste at the foot of Lake Michigan, and a number of other concerns are negotiating for sites along the canal, attracted there simply by the cheap transportation offered, nothing else.

You take the River Rhine, of which we hear so much, and about which the Senator from Mills loves to sing. I suppose there is more freight going in either direction, all the way from Rotterdam, on up to Switzerland, than any other stream in the world. The city of Cologne, lying hundreds of miles inland, is the third largest sea-port in the German Empire, outclassed only by Hamburg and Berlin, and so is the city of Mannheim, and Mr. President and Senators, are we not all in this great country of ours, the eighty million people of the United States, equally interested in cheap transportation? Is there any good reason why we should take the coal from the Ohio Valley, transport it to the Lakes, then over the Lakes to Duluth, then bring it back in cars into the States of Iowa, Minnesota, and Nebraska, at an enormous cost of transportation, when the same might come up the river, and be unloaded on the docks along our own Mississippi, just as soon as the Ohio River and the Upper Mississippi are improved? Is there any reason in the world why the lumber from the South, that costs today in transportation into the State of Iowa, on an average of about \$8.00 per thousand, should come that

way? Just as soon as the Upper Mississippi is improved, and a fourteen-foot canal from the Lake to the Gulf is completed, all that lumber will come and land on the border of Iowa, by water, and will be transferred by rail only to its destination from the borders of our own State, and who will say that it is not possible and practicable to bring it into the interior of our State, by the improvement of the Des Moines, Iowa and Cedar Rivers?

A wrong impression has prevailed in the past, and still prevails in the minds of a great many people, and that is, that either the shipper or the receiver pays the freight, and that the masses of people, known as the consumer, are not interested in the charges of transportation, be they high or low. Now the sooner we get that out of our minds, the better it will be for everybody; then and only will we begin to realize what it means. I want to make the statement here, Senators, without fear of contradiction, that only the consumers are interested in transportation charges. It is immaterial to a certain extent at least, as far as our home commerce and our home transportation is concerned, to the shipper, what the freight is. Whenever the shipper delivers his commodities at a given point, the freight is added to it, either by him or by the man who receives the goods, and it is added to the price of the commodity before it is put in the warehouse, or on the shelves, and on top of that, a reasonable margin of profit for the man who handles it. Therefore, it is absolutely necessary to understand that we, the people of the United States of America, in every instance, pay the freight. That being true, every individual is equally interested in bringing the charges of transportation down to the minimum, and experience has taught us that the only way that this can be successfully and permanently accomplished, is in the opening and improving of our interior water-ways. Do not let me be misunderstood, Senators, when I said that the shipper was not interested in the cost of transportation. I amended that by saying as far as our home trade was concerned. Just as soon as the manufacturer of this great country leaves the soil of his country, with his manufactured articles, and comes in competition with the world, he has to meet that competition. It was only a few weeks ago that I saw by one of our newspapers that the great United States Steel Co. lost a large contract in one of the South American Republics, against manufacturers from the German Empire. It was stated there that the cost from that far-off country to the South American Republic no more than equaled what the United States Steel Co. had to pay to get it to the sea-port. As I have said before, in the German Empire, all the factories are located on the border of the Empire, and largely along the River Rhine, and any man who has ever traveled that country will agree with me that if he takes the train at Cologne to the city of Bremen, through that manufacturing district, it is an utter impossibility for him to count the smoke-stacks of the factories as the train whirls by, and that class of goods that is manufactured there, and by the way that little country over there, smaller than one of our states, stands second in the list today as an exporting and importing nation, and 99½% of it is due to their cheap transportation, because their entire output, transported along the River Rhine or any of their navigable streams, is brought along down to the sea-shore at a

low cost, and shipped out; and that is the competition our manufacturers have to meet when they leave this country, and on their behalf on one side, and on our own behalf, it is necessary that this great country awaken to the fact that it is necessary for us to make a movement in that direction, so as to not be outclassed in the final struggle for supremacy, as a great commercial nation.

Take our neighboring country, Canada; it now has a fourteen-foot canal connecting the Great Lakes with the Ocean, and we all know they are constructing a 24-foot canal through to the Georgian Bay country, and the Ottawa River, and we certainly must make as good a connection with the sea, or the business we are now doing is liable to pass to a Canadian city. And let us bear in mind this, that when we do improve our waterways permanently, that they are then as impregnable as the solid rock, and concrete out of which they are constructed, and not only that, but they are a permanent investment, returning to the nation all the year, and for all time to come, a large dividend upon their cost.

As far as the duty of the Government is concerned, to raise its waterways and harbors to their utmost efficiency, this was determined long ago by the action of the Government itself.

Senator Knox, of Pennsylvania, who, by the way, probably will be the next Secretary of State, made this remark recently, in one of the sessions called for discussing the question. He said: "It invites cities to improve their docks, that is, the Government does. The Government held out inducements to railroads to bring their track to the water's edge, and conduct terminals for the transfer of freight from cars to vessel. So when the Government assumes charge and control of the navigable streams of the interior, it enters into a practical contract with the states and communities, barring these streams from being improved to their highest capacity by the States themselves. Corporate enterprise was forbidden to undertake the improvement and canalization of important stretches. It fixed the cost of their works and franchises on their traffic. The Federal Government has made its formal and deliberate declaration that it will do this work, and that in itself infers that it will make the improvements adequate to modern needs and possibilities, because if it would do less, it would be a mockery and a breach of good faith; but again, after all, although the Government and Congress are pledged to do something, it still remains for the individual citizens of this great Republic and for the citizens collectively, to appeal to their members in Congress, to their Senators in the Congress of the United States, demanding of them to take immediate steps jointly, with the other Congressmen, and Senators, to at once begin the improvement of the American waterways.

The separate states themselves can do a great deal. First of all, is to awaken their own people, to get the people of Iowa, of Nebraska, of Missouri and of Illinois, to see that it is to their interest that something be done at this time, and continue until completed, and until that is done, Congress will continue to hesitate in the future as they have in the past, and every one will look out for A No. 1, and nothing will be accomplished; but when united action is demanded, and the general improvement of all the American waterways is demanded of them, they will come to the realization that to hold their place in the Congress of the United States it

will be necessary for them to act, and do something, and if they do not, some more progressive man will be sent there by their constituents to take their places, and I sincerely hope, Senators, that when I move the adoption of the resolution, that I have offered, it will be carried without a negative vote.

As soon as we have accomplished this, it will break the freight gorge in its most congested centers, Chicago and St. Louis, and it will lighten the load of tonnage from Duluth through to Buffalo, and Cleveland to New Orleans and Mobile. The east and west commerce would make of it the busiest and richest canal in the world. The cotton of the south would go by water to 100 manufacturing cities of the north; Southern lumber would pass to the northern cities along the Mississippi and its tributaries as cheaply as the steamer carries it to Amsterdam or any other European sea-port. Coal from Alabama and the southwest would compete with coal from Pennsylvania on the docks along the Mississippi and the Missouri. Northern corn, hay and wheat would go cheaply to 100 southern cities that demand it. The Great Lake ships would pass out into the Gulf and restore to the salt sea merchants earning profits during winter months, when now they are idle. We would have along the Mississippi the cheapest coal then in the world, brought there by the most economic handling; access to the cheapest iron in the world; we could compete with the Clyde in building vessels, and with other modern ship-yards in Europe, and to my mind it would be the best ship subsidy that a Great Government ever made. It would take from Winnipeg her laurels as the greatest wheat center in the world, and bring it back to American shores. It would bring the ocean with all its marvelous advantages of transportation to the western and southern manufacturer. This is an enterprise that is worthy of the great age in which we live.

Mr. President, I move the adoption of the resolution.

Senator White moved that when the Senate adjourn it be until 9 o'clock a. m. Tuesday.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Van Buren, Balkema, Burgess, Chapman, Cosson, Larrabee, McManus, Moon, Peterson, Proudfoot, Ream, Smith of Mitchell, Taylor, White—14.

The nays were:

Senators Allen of Pocahontas, Bennett, Cosson, De Armand, Dowell, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Mattes, Nichols, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Whipple, Whiting, Wilson—23.

Absent or not voting:

Senators Brown, Bruce, Clark, Clarkson, DeWolf, Fitchpatrick, Frudden, McCulloch, Maytag, Parshall, Sammis, Stuckslager, Van Law—13.

So the motion was lost.

Senator Cosson, from the committee on Suppression of Intemperance, submitted the following report:

REPORTS OF COMMITTEE.

MR. PRESIDENT—Your committee on Suppression of Intemperance, to whom was referred Senate File No. 16, a bill for an act repealing Section 2310-a-24 of the Supplement to the Code, 1907, relating to the penalties for furnishing intoxicating liquor, or narcotic drugs to patients of inebriate hospitals, and providing a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 16.

A Bill for an Act Repealing Section Twenty-three Hundred Ten-a-Twenty-four (2310-a-24) of the Supplement to the Code, 1907, Relating to the Penalties for Furnishing Intoxicating Liquor, or Narcotic Drugs to Patients of Inebriate Hospitals, and Providing a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section twenty-three hundred ten-a-twenty-four (2310-a-24) of the Supplement to the Code, 1907, be repealed and the following enacted in lieu thereof:

Any person who shall furnish any patient of said Hospital for Inebriates, or any patient who has been or may hereafter be committed or who has been sentenced to any Hospital for Inebriates or Insane Hospital as an inebriate, dipsomaniac or as one addicted to the use of narcotics, or who may be out on parole, or to one who has been discharged, as cured or otherwise, or to one who has escaped from said institution, or to any person who has taken any of the so-called cures for drunkenness, except upon the written prescription of a reputable practicing physician, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs and stand committed to the county jail until such fine and costs are paid, and when so amended the bill do pass.

GEORGE COSSON,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Suppression of Intemperance, to whom was referred Senate File No. 59, a bill for an act to amend the law

as it appears in Section 2394 of the Code of Iowa, relating to the sale of intoxicating liquors by permit holders, beg leave to report they have had the same under consideration and recommend the same do pass.

GEORGE COSSON,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 245, a bill for an act to amend section two thousand five hundred eighty-eight (2588) of the Code, relating to the sale of drugs, medicines, poisons, and chemicals and providing for the sale of concentrated lye, potash, and insecticides by persons other than registered pharmacists.

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

Senator Smith of Mitchell moved that when the Senate adjourn it be until 9:30 o'clock a. m., Tuesday.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Balkema, Burgess, Chapman, Gilliland, Larabee, McManus, Moon, Peterson, Proudfoot, Ream, Savage, Smith of Mitchell, Taylor, White—16.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Cosson, De Armand, Dowell, Foley, Francis, Gates, Hamill, Hoyt, Jamieson, Mattes, Nichols, Quigley, Seeley, Smith of Mitchell, Whipple, Wilson—20.

Absent or not voting:

Senators Bruce, Clark, Clarkson, DeWolf, Fitchpatrick, Hunter, McCulloch, Maytag, Parshall, Sammis, Saunders, Stuckslager, Van Law, Whiting—14.

So the motion was lost.

The journal of yesterday was taken up, corrected and approved.

THIRD READING OF BILLS.

On motion of Senator Saunders Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretence, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute, and providing a punishment for the violation thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Ham-mill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Clark, Clarkson, Fitchpatrick, DeWolf, McCulloch, Maytag, Parshall, Sammis, Stuckslager, Van Law—10.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Francis offered the following concurrent resolution:

Resolved by the Senate, the House concurring that when adjournment is taken Saturday, Feb. 27th, it be until 10 o'clock a. m. Wednesday, March 3d, 1909.

By unanimous consent the concurrent resolution was taken up for consideration.

Senator Bruce moved to amend by striking out the word "Saturday, Feb. 27th" and inserting in lieu thereof the words "Friday, Feb. 26th."

Adopted.

Senator Smith of Mitchell moved to amend by striking out the words "Wednesday, March 3d at 10 o'clock" and inserting in lieu thereof the words "Tuesday, March 2d at 2 o'clock p. m."

The amendment was lost.

The concurrent resolution, as amended, was adopted.

Senator Saunders moved that the time for adjournment be extended until after the consideration of Senate File No. 179.

Carried.

THIRD READING OF BILLS.

On motion of Senator Saunders Senate File No. 179, a bill for an act to amend the law as it appears in Sections Two Hundred Fifty-four-a Thirteen (254-a-13), Two Hundred Fifty-four-a Fourteen (254-a-14), Two Hundred Fifty-four-a Fifteen (254-a-15), Two Hundred Fifty-four-a Sixteen (254-a-16), Two Hundred Fifty-four-a Seventeen (254-a-17), Two Hundred Fifty-four-a Eighteen (254-a-18), Two Hundred Fifty-four-a Nineteen (254-a-19), Two Hundred Fifty-four-a Twenty (254-a-20), Two Hundred Fifty-four-a Twenty-one (254-a-21), Two Hundred Fifty-four-a Twenty-two (254-a-22), Two Hundred Fifty-four-a Twenty-three (254-a-23), Two Hundred Fifty-four-a Twenty-four (254-a-24), Two Hundred Fifty-four-a Twenty-five (254-a-25), Two Hundred Fifty-four-a Twenty-six (254-a-26), Two Hundred Fifty-four-a Twenty-seven (254-a-27), Two Hundred Fifty-four-a Twenty-eight (254-a-28), Two Hundred Fifty-four-a Twenty-nine (254-a-29), and Two Hundred Fifty-four-a Thirty (254-a-30) of the Supplement to the Code, 1907, relating to Juvenile Courts, Detention Homes and Schools, and conferring concurrent jurisdiction upon Superior Courts with District Courts of proceedings brought under said section, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendment:

Amend the bill by striking therefrom all of Section 4.

Adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mc Manus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Clark, Clarkson, Cosson, DeWolf, Fitchpatrick, McCulloch, Maytag, Parshall, Sammis, Stuckslager, Van Law, Whiting—14.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Dowell moved that the Senate do now adjourn until 2 o'clock p. m. Monday.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 22, 1909.

Senate met in regular session pursuant to adjournment at 2:00 o'clock, P. M.

President pro tem James A. Smith, presiding.

Prayer was offered by the Rev. J. W. Graves of Des Moines, Iowa.

On request of Senator Frudden leave of absence was granted Senator Bruce for the day.

On request of Senator Clarkson, leave of absence was granted Senator Moon for the day.

On request of Senator Hoyt, leave of absence was granted Senator Sammis for the day.

PETITIONS AND MEMORIALS.

Senator Fitchpatrick presented remonstrance from working men of Local Union No. 372, Boone, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Des Moines presented petition from residents of Des Moines County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Des Moines presented petition from traveling men, merchants and manufacturers of Burlington, Iowa, favoring the passage of Senate File No. 85, known as Hotel Inspection bill.

Referred to Committee on Public Health.

Senator Francis presented remonstrance from residents of Dickinson County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Seeley presented petition from residents of Washington County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Foley presented petition from residents of Chickasaw County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from residents of Delaware County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments.

Senator McManus presented remonstrance from the Boot & Shoe Workers Union of Keokuk, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gates presented petition from residents of Butler County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented remonstrance from citizens of Onawa, Monona County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Brown presented remonstrance from citizens of Creston, Union County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Brown presented remonstrance from Modern Woodman Camp No. 4614 of Pleasanton, Iowa, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Larrabee presented petition from residents of Webster County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented remonstrance from Dubuque Trades and Labor Congress against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented remonstrance from the International Association of Machinists of Dubuque, Iowa, against the passage of Senate File No. 202, known as the Wage Exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator White presented remonstrance from residents of Johnson County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from residents of Appanoose County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from citizens of Exline, Appanoose County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Constitutional Amendments.

Senator De Armand presented three remonstrances from Modern Woodmen of America, Scott County, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Clarkson presented remonstrance from the members of the Bar of Bloomfield, Davis County, Iowa, against the proposed change in the Second Judicial District of Iowa.

Referred to Committee on Judiciary.

Senator Peterson presented remonstrance from Modern Woodmen Camp No. 2057 of Rowan, Iowa, against the passage of the proposed Minimum Rate bill.

Referred to Committee on Insurance.

Senator Peterson presented petition from residents of Hamilton County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Peterson presented remonstrance from druggists of Hamilton County, against the passage of any bill prohibiting the sale of intoxicating liquors by druggists.

Referred to Committee on Pharmacy.

Senator Frudden presented remonstrance from International Association of Machinists of Dubuque, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented remonstrance from the Brotherhood of Railway Trainmen of Clinton, Iowa, against the passage of the proposed Wage Exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator Fitchpatrick presented petition from residents of Story County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented remonstrance from residents of Emmet County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas (by request), Senate File No. 246, a bill for an act to repeal the law as it appears in Section Ten Hundred and Seventy-three of the Code, 1897, relative to the term of office of justices of the peace and constables and to enact a substitute therefor.

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

By Senator Peterson, Senate File No. 247, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-3 (1989-a-3), Nineteen Hundred Eighty-nine-a-11 (1989-a-11), and Nineteen Hundred Eighty-nine-a-31 (1989-a-31), of the Supplement to the Code, 1907, relating to the establishment of drainage districts and the location and construction of levees, ditches, drains and the change of water courses.

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

By Senator Smith of Des Moines, Senate File No. 248, a bill for an act to repeal paragraph five (5) of Section Thirty-six Hundred Eighty-eight (3688) of the Code, and to enact a substitute therefor, relating to challenges for cause.

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

By Senator Smith of Des Moines, Senate File No. 249, a bill for an act for the protection, preservation, propagation, taking, use and transportation of fish and game, and game and certain harmless birds and animals, and to repeal all acts or parts of acts heretofore passed inconsistent with or contrary to the provisions hereof.

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

By Senator Mattes, Senate File No. 250, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven a-1 (1087-a-1), Ten Hundred Eighty-seven-a-4 (1087-a-4), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

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

By Senator Hoyt, Senate File No. 251, a bill for an act to amend the law as it appears in sub-division Four (4) of Section One Hundred Thirty-eight (138) of the Supplement to the Code, 1907, and Section One Hundred Thirty-nine (139) of the Code, relating to printing.

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

By Senator Hoyt, Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the State institutions prior to the convening of each regular session, and making appropriations therefor.

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

By Senator Francis, Senate File No. 253, a bill for an act making an appropriation to purchase a site, to make the evacuation and

to build a dam and fishway at the outlet of Sliver Lake, Dickinson County, Iowa.

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

Senator Larrabee asked unanimous consent to have printed 150 extra copies of Senate File No. 230.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator McCulloch, Senate File No. 95, a bill for an act to amend Section One Thousand Seven Hundred and Nine (1709), of the Supplement to the Code, 1907, relating to insurance other than life, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator McCulloch moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator McCulloch moved that the rules be suspended, 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 ayes were:

Senators Frudden, Gilliland, McCulloch, White, Whiting—5.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McManus, Mattes, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Wilson—35.

Absent or not voting:

Senators Bruce, Chapman, Clark, Maytag, Moon, Parshall, Proudfoot, Sammis, Saunders, Stuckslager—10.

So the bill failing to receive a constitutional majority was declared lost.

On motion of Senator Van Law, Senate File No. 145, a bill for an act to co-operate with the City of Marshalltown, in constructing a permanent dam across the Iowa river, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Van Law moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Maytag, Moon, Parshall, Proudfoot, Sammis, Saunders, Stuckslager—9.

Senator Van Law offered the following amendment to the title of the bill and moved its adoption.

Amend the title by striking out the word "to" in the first line and inserting in lieu thereof the words, "authorizing the State of Iowa," also by striking out the period at the end thereof and adding the following, "providing for the maintenance thereof and making an appropriation therefor."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Hammill, Senate File No. 16, a bill for an act repealing Section 2310-a-24 of the Supplement to the Code, 1907, relating to the penalties for furnishing intoxicating liquor, or narcotic drugs to patients of inebriate hospitals, and providing a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that the substitute be substituted for the original bill.

Carried.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend the substitute for Senate File No. Sixteen (16) as it appears on page Four Hundred Seventy-four (474) of the Journal of February 20, 1909, by adding after the word "furnish" in the 4th line of Section One, the following: "any intoxicating liquor or narcotic drug to."

Adopted.

Senator De Armand offered the following amendment and moved its adoption:

Move to amend Section 1 of the bill by inserting after the word "shall" in the 4th line thereof the word "knowingly."

Senator Allen of Van Buren moved the previous question on the amendment.

Carried.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Brown, Burgess, De Armand, De Wolf, Foley, Frud-den, Gilliland, Hoyt, McManus, Quigley, Ream, White, Wilson—13.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Cosson, Dowell, Fitchpatrick, Francis, Gates, Hammill, Hunter, Jamieson, Larrabee, Mattes, Nichols, Savage, Seeley, Smith of Mitchell, Van Law, Whiting—22.

Absent or not voting:

Senators Bruce, Chapman, Clark, Clarkson, McCulloch, Maytag, Moon, Parshall, Proudfoot, Sammis, Saunders, Smith of Des Moines, Stuckslager, Taylor, Whipple—15.

So the amendment was lost.

Senator Hammill moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Nichols, Peterson, Savage, Seeley, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting—28.

The nays were:

Senators Brown, De Armand, De Wolf, Foley, White, Wilson—6.

Absent or not voting:

Senators Bruce, Burgess, Chapman, Frudden, McCulloch, McManus, Maytag, Moon, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Des Moines, Stuckslager—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

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

Senator Nichols moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 23, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President pro tem Jas. A. Smith presiding.

Prayer was offered by the Rev. J. P. Cummins of Birmingham, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Sammis for the rest of the week.

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. 177, a bill for an act to repeal Sections 4975-d, 4975-g and 4975-h of the Supplement to the Code, 1907, relating to bucket shops and bucket shopping, and to enact substitutes therefor.

C. R. BENEDICT,
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. 171, a bill for an act providing for the completion and distribution of the rosters of Iowa soldiers, sailors and marines as provided by chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes and making an additional appropriation therefor.

C. R. BENEDICT,
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 repeal Section 1177 of the Code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor.

C. R. BENEDICT,
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. 219, a bill for an act to repeal the law as it appears in Section 565 of the Code, and to enact a substitute therefor with regard to election of township assessors in certain townships.

C. R. BENEDICT,
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. 218, a bill for an act to amend Section 732, Supplement to the Code, 1907, relative to the levying of taxes for public libraries.

C. R. BENEDICT,
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. 134, a bill for an act to amend Section 1561 of the Code of Iowa, 1897, relating to the erection of guide boards.

C. R. BENEDICT,
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. 158, a bill for an act to amend Section 3138 of the Supplement to the Code, 1907, relating to the lien and liability of hotel and inn-keepers.

C. R. BENEDICT,
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. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

C. R. BENEDICT,
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. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes.

C. R. BENEDICT,
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. 119, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

C. R. BENEDICT,
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. 129, a bill for an act to amend Section 995 of the Code relating to powers and duties of commissioners in cities of special charter.

C. R. BENEDICT,
Chief Clerk.

Also :

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

Senate File No. 75, a bill for an act to repeal Sections 16, 17 and 20 of Chapter 20 of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on page 4 of the Prefix to the Code, and enact substitutes therefor; to repeal Sections 18 and 19 of Chapter 20 of the Acts of the Extra Session of the Twenty-sixth General Assembly as amended by Chapter 1 of the Acts of the Thirty-first General Assembly and as the same appear on page 5 of the Prefix to the Supplement to the Code, 1907, and enact substitutes therefor; and to repeal Sections 42, 43, 44, 45 and 46 of the Code, and enact substitutes therefor relating to the distribution and sale of, and accounting for, the Codes and Session Laws.

C. R. BENEDICT,
Chief Clerk.

Also :

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

Senate File No. 162, a bill for an act amending the law as it appears in Section 1361 of the Supplement to the Code, 1907, and Section 1354 and

Section 1355 of the Code, relating to the making of affidavit in assessment of property.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith asks the recall of House File No. 140, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the 1907 Supplement to the Code in reference to motor vehicles.

C. R. BENEDICT,
Chief Clerk.

PETITIONS AND MEMORIALS.

Senator Savage presented petition from members of the bar and citizens of Madison County favoring the passage of a law increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Hammill presented petition from citizens of Hancock County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented petition from citizens of Woodbury County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented petition from citizens of Woodbury County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Peterson presented petition from citizens of Lucas County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Savage presented petition from citizens of Madison and Adair Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented petition from citizens of Decatur County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell presented remonstrance from the members of the Modern Woodmen of America, Camp No. 361 of Stacyville, Iowa, against the passage of the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Smith of Mitchell presented petition from citizens of Mitchell County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator De Armand presented petition from citizens of Scott County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented petition from citizens of Fayette County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McCulloch presented petition from citizens of Wayne County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Peterson presented petition from citizens of Hardin and Hamilton Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hammill presented petition from citizens from Worth and Hancock Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented petition from citizens of Hampton, Franklin County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Pocahontas presented petition from citizens of Pocahontas, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Ream presented petition from citizens of Mahaska County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from citizens of Guthrie and Dallas Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented petition from Actors National Protective Union No. 4 of Associated Vaudeville Artists of Chicago, Illinois, in favor of the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Taylor presented petition from citizens of Appanoose County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Seeley presented petition from citizens of Henry County for the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell presented petition from citizens of Mitchell County favoring the passage of the proposed Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Proudfoot presented petition from citizens of Warren County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented petition from citizens of Warren County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator White presented petition from citizens of Johnson County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented petition from citizens of Tama County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Gates presented two petitions from citizens of Butler County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Balkema presented petition from citizens of Lyon County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Dowell presented petition from citizens and voters of the city of Des Moines favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented two petitions from citizens of Pocahontas and Buena Vista counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented petition from citizens of Humboldt County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clarkson presented petition from citizens of Monroe County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hoyt presented petition from citizens of Buchanan County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from citizens of Delaware County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Seeley presented petition from citizens of Washington County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Whiting presented petition from citizens of Denison, Iowa, favoring the passage of a bill relative to the exemption of wages.

Referred to Committee on Commerce and Retail Trade.

Senator Bennett presented petition from citizens of Taylor County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Francis presented five petitions from residents of Kosuth, Clay, Emmet and Dickinson Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented petition from citizens of Woodbury County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented petition from citizens of Warren County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from citizens of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented remonstrance from members of College Camp No. 605 Modern Woodmen of America of Indianola, Iowa against the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator White presented petition from residents of Johnson County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented petition from residents of Harrison County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren Presented petition from ladies of Fairfield, Jefferson County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from citizens of Libertyville, Jefferson County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented petition from residents of Monona County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clark presented petition from residents of Keokuk County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator De Wolf presented two petitions from residents of Grundy and Black Hawk Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented two petitions from residents of Hancock and Cerro Gordo Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Nichols presented remonstrance from residents of Muscatine County against the passage of Senate File No. 103 relating to the licensing of itinerant vendors of drugs.

Referred to Committee on Public Health.

Senator Gilliland presented petition from residents of Montgomery County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented petition from the residents of Fayette County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McCulloch presented petition from residents of Wayne County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented petition from the Art Division of the Dubuque Woman's Club favoring the passage of the proposed changes in the school laws.

Referred to Committee on Schools.

Senator Van Law presented remonstrance from the Modern Woodmen Camp No. 4776 of Clemons, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Van Law presented petition from residents of Marshall County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from merchants and tax payers of Marshall County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Van Law presented remonstrance from women of Marshall County against the passage of a bill providing for an open season for the slaughter of the mourning dove.

Referred to Committee on Fish and Game.

Senator Bruce presented remonstrance from citizens of Atlantic, Iowa, against any radical change in the school laws.

Referred to Committee on Schools.

Senator Bruce presented two remonstrances from residents of Cass County, against the passage of a bill to increase the license of the itinerant vendors of drugs.

Referred to Committee on Public Health.

Senator Bruce presented petition from residents of Cass County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Savage presented two petitions from residents of Madison and Adair Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Saunders presented petition from residents of Pottawattamie County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Moon presented petition from residents of Wapello County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gates presented remonstrance from Beaver Camp No. 376 Modern Woodmen of America, Butler County, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Cosson presented petition favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Cosson presented remonstrance from residents of Guthrie County against the passage of the Sunday Observance Law.

Referred to the Committee on Judiciary.

Senator Balkema presented two petitions from residents of Sioux and Osceola Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Proudfoot presented three petitions from Warren and Clark Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented four petitions from residents of Kossuth County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented remonstrance from citizens of Sergeant Bluff, Woodbury County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented petition from residents of Estherville, Emmet County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Quigley presented remonstrance from Cedar Camp No. 3246 Modern Woodmen of America, Farmersburg, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Proudfoot presented remonstrance from citizens of Osceola, Clark County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented petition from voters of Harrison County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator DeArmand presented petition from citizens of Le Claire, Iowa favoring the passage of the Sunday Observance Law.

Referred to the Committee on Judiciary.

Senator DeArmand presented petition from citizens of Princeton, Iowa in favor of the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator DeArmand presented petition from the citizens of Davenport relative to the Wage Exemption Bill.

Referred to the Committee on Commerce and Retail trade.

* Senator DeArmand presented remonstrance from the citizens of Davenport against the passage of the Sunday Observance Law.

Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Ream, Senate File No. 254, a bill for an act to provide for the employment of prisoners in the county jails and for paying their earnings to their families.

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

Senator Gilliland filed the following motion:

I move to reconsider the vote by which Substitute for Senate File No. 16 was declared to have passed the Senate.

SHIRLEY GILLILLAND.

HOUSE MESSAGES CONSIDERED.

House File No. 177, a bill for an act to repeal Sections 4975-d, 4975-g and 4975-h of the Supplement to the Code, 1907, relating to bucket-shops and bucket shopping, and to enact substitutes therefor.

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

House File No. 171, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor.

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

House File No. 73, a bill for an act to repeal Section 1177 of the Code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor.

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

House File No. 219, a bill for an act to repeal the law as it appears in Section 565 of the Code, and to enact a substitute therefor with regard to the election of township assessors in certain townships.

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

House File No. 218, a bill for an act to amend Section 732, Supplement to the Code, 1907, relative to the levying of taxes for public libraries.

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

House File No. 134, a bill for an act to amend Section 1561 of the Code of Iowa, 1897, relating to the erection of guide boards.

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

House File No. 158, a bill for an act to amend Section 3138 of the Supplement to the Code, 1907, relating to the lien and liability of hotel and inn keepers.

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

Senate File No. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

Passed on file.

Substitute for Senate File No. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattle snakes.

Passed on file.

Senate File No. 119, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

Passed on file.

Senate File No. 129, a bill for an act to amend Section 995 of the Code, relating to powers and duties of commissioners in cities of special charter.

Passed on file.

Senate File No. 75, a bill for an act to repeal Sections 16, 17 and 20, of Chapter 20, of the Acts of the Extra Session of the Twenty-sixth General Assembly, as the same appears on page 4 of the prefix to the Code, and enact a substitute therefor; to repeal Section 18 and 19 of Chapter 20 of the acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter 1 of the acts of the Thirty-first General Assembly, and as the same appear on page 5 of the prefix to the Supplement to the Code, 1907, and enact substitutes therefor; and to repeal Sections 42, 43, 44, 45, and 46 of the Code, and enact substitutes therefor relating to the distribution and sale of, and the accounting for, the Codes and Session Laws.

Passed on file.

Senate File No. 162, a bill for an act amending the law as it appears in Section 1361 of the Supplement to the Code, 1907, and Section 1354 and Section 1355 of the Code, relating to the making of affidavit in assessment of property.

Passed on file.

House File No. 140, a bill for an act to amend Section 1571-b,, 1571-c, 1571-e, and 1571-f of the 1907 Supplement to the Code, in reference to motor vehicles.

Passed on file.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 223, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty (1660) of the Supplement to the Code, 1907, permitting the annual appropriation of the amount therein provided in aid of county fairs, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. E. BRUCE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 156, a bill for an act requiring the license now paid by itinerant vendors of patent medicines to the state pharmacy commission,

be paid into the county treasury for the use of the road fund, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. E. BRUCE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 105, a bill for an act to amend the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, beg leave to report that they have had the same under consideration and recommend the same be amended as follows: By the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 105.

A Bill for an Act to Amend the Law as it Appears in Section Five Thousand Twenty-eight-b (5028-b) of the Supplement to the Code, 1907, Relating to Unfair Discrimination Between Different Sections, Communities or Localities, Defining the Same and Providing Penalties for Persons Found Guilty Thereof.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, be amended by adding after the period at the end of said Section the following:

Any person, firm, company, association or corporation, foreign or domestic, doing business in the State of Iowa and engaged in the business of buying milk, cream or butter fat for the purpose of manufacture, or of buying poultry, eggs or grain for the purpose of sale or storage, that shall for the purpose of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities, cities or towns of this state by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city or town than is paid for the same commodity by said person, firm, company, association or corporation in another section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or storage, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared to be unlawful; and any person, firm, company, association or corporation or any officer, agent, receiver or member of any such firm, company, association or corporation found guilty of unfair discrimination as defined herein, shall be punished as provided in Section five thousand twenty-eight-c (5028-c) of the Supplement to the Code, 1907.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and

Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Substitute was read first and second time and passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 124, a bill for an act to amend Section twenty-five hundred and seventy-eight-a (2578-a) of the Supplement to the Code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Moon (by request), Senate File No. 255, a bill for an act creating a jury commission prescribing the duties thereof providing for the qualifications of jurors, the manner of preparing and who shall constitute the jury list, the manner of drawing grand and petit jury panels and the manner of drawing and summoning grand and petit jurors, also defining certain offenses and providing penalties therefor.

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

By Senator Seeley, Senate File No. 256, a bill for an act to amend Section Fifteen Hundred and Seventy (1570) of the Supplement of the Code, 1907, and to provide for the growing of posts.

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

THIRD READING OF BILLS.

By unanimous consent, on motion of Senator Gilliland, Senate File No. 16, a bill for an act to amend the law as it appears in Section Twenty-three Hundred and Ten-a-twenty-four (2310-a-24), of the Supplement to the Code, 1907, relating to furnishing intoxicating liquors or narcotic drugs to paroled inebriates, was taken up and considered.

Senator Hammill moved that the motion filed by Senator Gilliland to reconsider the vote by which Senate File No. 16 passed the Senate, be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gates, Hammill, Jamieson, Larrabee, Mattes, Moon, Peterson, Proudfoot, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting—23.

The nays were:

Senators Brown, Bruce, Burgess, De Armand, De Wolf, Foley, Frudden, Gilliland, Hoyt, McCulloch, Nichols, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Whipple, White, Wilson—19.

Absent or not voting:

Senators Chapman, Clark, Hunter, McManus, Maytag, Parshall, Sammis, Saunders—8.

So the motion prevailed.

REPORT OF COMMITTEE.

Senator Dowell from the Committee on Judiciary submitted the following report.

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 140, a bill for an act to amend Section fifteen hundred and seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e), fifteen hundred and seventy-one-f (1571-f) of the Supplement to the Code of 1907, in reference to motor vehicles, beg leave to report that they have had the same under consideration and recommend the same be returned to the House as requested.

C. C. DOWELL,
Chairman.

Ordered passed on file.

On motion of Senator Larrabee, House File No. 140, a bill for an act to amend Sections Fifteen Hundred and Seventy-one-b (1571-b), Fifteen Hundred and Seventy-one-c (1571-c), Fifteen Hundred and Seventy-one-e (1571-e) and Fifteen Hundred and Seventy-one-f (1571-f) of the 1907 Supplement to the Code, in reference to motor vehicles, was taken up and considered.

Senator Larrabee moved that the report of the committee be adopted and that the request of the House for the return of House File No. 140 be granted.

Carried.

The time having arrived for the Special Order on motion of Senator Peterson, Senate File No. 4, a bill for an act to amend the law as it appears in Section Twenty Hundred and Seventy-one (2071) of the 1907 Supplement to the Code, relating to the liabil-

ity of corporations operating a railway for negligence or wrongs of employes, with report of committee recommending substitute and passage, was taken up, considered and the report of the committee adopted.

Senator Peterson moved that the substitute be substituted for the original bill.

Carried.

Senator Peterson offered the following amendment and moved its adoption.

I move to amend the substitute by striking out all the words in Section One commencing with the word "by" in the third line thereof and ending with the word "amended" in the eleventh line thereof.

Adopted.

The President resumed the Chair at 10:15 o'clock.

Senator Saunders offered the following amendment and moved its adoption:

Amend Section One (1) by adding thereto the following: "in any case when the violation by such corporation operating a railway, of any statute enacted for the safety of employes, contributed to the injury or death of such employe."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Bennett, Brown, Bruce, Clark, De Armand, Foley, Frudden, Hoyt, McCulloch, Nichols, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Whipple, White—18.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Chapman, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, Mattes, Maytag, Moon, Peterson, Quigley, Ream, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—28.

Absent or not voting:

Senators Burgess, McManus, Parshall, Sammis—4.

So the amendment was lost.

Senator Peterson moved that the rules be suspended, 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 ayes were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were :

Senators Brown Bruce, Clark, Hoyt, McCulloch, Proudfoot, Smith of Des Moines—8.

Absent or not voting :

Senators McManus, Parshall, Sammis, Savage—4.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. SFFAKER—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the State against persons, partnerships, corporations or associations.

Also :

Substitute for Senate File No. 50, a bill for an act to legalize the action and proceedings of the City Council of the City of Manchester, relative to the boundary line and extent of the limits of said city.

Also :

Substitute for Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation.

Also :

Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the

late William B. Allison and making an appropriation to defray the expense thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. SPSAKER—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the State against persons, partnerships, corporations or associations.

Also:

Substitute for Senate File No. 50, a bill for an act to legalize the action and proceedings of the City Council of the City of Manchester, relative to the boundary line and extent of the limits of said city.

Also:

Substitute for Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation.

Also:

Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.

HENRY L. ADAMS,
Chairman Senate Committee.
GERRIT KLAY,
Chairman House Committee.

Adopted.

Also:

MR. SPEAKER—Your Joint Committee on Enrolled bills respectfully report that they have examined, and find correctly enrolled, House File No. 60, a bill for an act to repeal Section four hundred and thirty-three (433) of the Supplement to the Code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor.

Also:

House File No. 145, a bill for an act to legalize the action of the Board of Supervisors of Sioux County, Iowa, relating to the sale of

school lands in Section twelve (12), Township ninety-five (95) north of Range forty-eight (48) west of the fifth (5th) principal meridian, Sioux County, Iowa, and to authorize the Governor to issue a patent therefor to John H. Hutchinson.

Also:

House File No. 161, a bill for an act to amend Sections twenty-seven hundred eight (2708), twenty-seven hundred nine (2709) as they appear in Supplement to the Code, 1907, relating to the age at which boys or girls may be committed to the industrial schools.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

INTRODUCTION OF BILLS.

By Senator Jamieson, Senate File No. 257, a bill for an act appropriating the sum of one hundred thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the State of Iowa, arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.

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

By Senator Jamieson, Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for Insane persons at Clarinda, Iowa.

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

Senator Van Law moved that the time for adjournment be extended 15 minutes.

Carried.

By Senator Chapman, Senate File No. 259, a bill for an act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys, not within the territory of incorporated cities and towns; for the incidental establishment of grades thereof, for the construction therein, or thereon of sidewalks, sewers, man-holes, bridges, cess pools, gutters, tunnels, curbing and cross walks; for the issue of bonds, representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

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

By Senator De Armand, Senate File No. 260, a bill for an act to repeal Section Four Thousand Seven Hundred Seventy-five (4775) of the Code, relating to the carrying of concealed weapons, providing a penalty therefor, and enacting a substitute therefor.

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

REPORTS OF COMMITTEE.

Senator Stuckslager, 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. 208, a bill for an act to amend Section eighteen hundred fifty-seven (1857) of the Code relating to the dissolution of savings banks, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

Senator Gilliland moved that Senate request the return from the House of House File No. 100.

Carried.

Senator Van Law moved that the time for adjournment be extended fifteen minutes.

Carried.

The President announced that he had signed in the presence of the Senate, House Files Nos. 145, 161, 60, and Senate Files Nos. 45, 50, 63 and 154.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 45, a bill for an act providing a method for the settlement of claims and demands for money or other property held by the State against persons, partnerships, corporations or associations.

Also:

Substitute for Senate File No. 50, a bill for an act to legalize the action and proceedings of the City Council of the City of Manchester, relative to the boundary line and extent of the limits of said city.

Also:

Senate File No. 63, a bill for an act making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation.

Also:

Senate File No. 154, a bill for an act to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

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

Senator Clarkson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 24, 1909.

Senate met in regular session at 9 o'clock a. m. President Clarke presiding.

Prayer was offered by the Rev. Arthur Metcalf of Des Moines, Iowa.

On request of Senator Hoyt leave of absence was granted Senator Savage until tomorrow.

On request of Senator Chapman, leave of absence was granted Senator Francis until tomorrow.

PETITIONS AND MEMORIALS.

Senator Smith of Des Moines presented remonstrance from citizens of Burlington, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Des Moines presented remonstrance from residents of Des Moines County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell presented petition from Osage Camp No. 250 Modern Woodmen of America, Osage, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Hunter presented petition from merchants and tax payers of Woodbury County favoring the passage of the wage exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator Cosson presented petition from residents of Audubon and Polk Counties favoring the passage of Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Moon presented petition from residents of Wapello County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Foley presented petition from residents of Floyd County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Foley presented petition from merchants and tax payers of Fredericksburg, Chickasaw County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from merchants and tax payers of Buchanan County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from Little Cedar Lodge, Modern Woodmen of America of Little Cedar, Iowa, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Gilliland presented petition from the residents of Montgomery County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Gilliland presented petition from members of the First Baptist Church at Glenwood, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented petition from residents of Adams County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented petition from residents of Adams County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented petition from residents of Taylor County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator White presented petition from residents of Johnson County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Fitchpatrick presented petition from residents of Story County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Fitchpatrick presented petition from merchants and tax payers of Story County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Wilson presented remonstrance from Plasterer's International Association at Clinton, Iowa, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Fitchpatrick presented petition from attorneys of Boone County favoring the passage of a bill increasing the compensation of court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Bruce presented petition from residents of Shelby and Audubon County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented petition from the civic division of the Dubuque Woman's Club favoring the passage of the proposed amendment to the School Law.

Referred to Committee on Schools.

Senator Allen of Pocahontas presented petition from residents of Humboldt County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented remonstrance from residents of Humboldt County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Stuckslager presented remonstrance from citizens of Cedar Rapids and Linn County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Seeley presented petition from residents of Henry County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Ream presented petition from residents of Mahaska County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Moon presented petition from citizens of Wapello County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Larrabee presented petition from residents of Webster County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bruce presented petition from residents of Shelby County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Burgess presented remonstrance from school officers of Winneshiek County against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Clark presented petition from residents of Poweshiek County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Moon presented remonstrance from citizens of Wapello County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Mattes presented petition from residents of Carroll County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Mattes presented petition from merchants and tax payers from Jefferson, Greene County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Taylor presented petition from patrons of Pleasantville School District No. 3, of Davis County against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Whiting presented petition from citizens of Harrison County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Whiting presented remonstrance from citizens of Modale, Harrison County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Nichols presented petition from residents of Muscatine County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gates presented petition from residents of Bremer County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented remonstrance from the German American Central Alliance of Davenport, Scott County, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented remonstrance from the German American Alliance of Davenport, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented petition from residents of Jones and Cedar Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Chapman presented petition from residents of Jones and Cedar Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented remonstrance from members of Independent School District of Durant, Iowa, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Proudfoot presented petition from residents of Warren County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Saunders presented petition from residents of Pottawattamie County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Gates presented remonstrance from residents of Butler County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented remonstrance from school board of Spencerville District of Jones County, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Mattes presented petitions from residents of Carroll and Greene Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented remonstrance from residents of Clinton County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McCulloch presented petition from residents of Lucas County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hammill presented petition from residents of Cerro Gordo County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Proudfoot presented petition from residents of Warren County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented petition from citizens of Clinton, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren presented two petitions from residents of Jefferson County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from citizens of Farmington, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Peterson presented five petitions from residents of Hamilton, Hardin and Wright Counties favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Peterson presented petition from merchants and tax payers of Hardin County favoring the passage of the Rate Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Van Law presented petition from residents of Marshall County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from merchants and taxpayers of Jefferson County, favoring the passage of the Wage Exemption Law.

Referred to Committee on Commerce and Retail Trade.

Senator Stuckslager presented three petitions from residents of Linn County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Seeley presented petition from Washington County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented two petitions from residents of Benton and Tama Counties favoring the passage of the Sunday Observance Law.

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 refuses to concur in Senate Substitute Amendment to House File No. 9, in which the concurrence of the House was asked:

House File No. 9, a bill for an act to repeal Section 3307 of the Supplement to the Code, 1907, relating to administration of the estate of absentees, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House insists upon its amendments to Senate File No. 172, in which the concurrence of the Senate was asked:

Senate File No. 172, a bill for an act to amend Section 2601 of the Code relating to admission of inmates to the Iowa Soldiers' Home, located at Marshalltown, and asks for a conference committee and the Speaker names as conference committee on part of the House: Johnson of Mitchell, Stillman of Greene, Etter of Keokuk.

C. R. BENEDICT,
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. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance, so as to insure the safety and health of employes and patrons of the same, providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 261, a bill for an act to amend the law as it appears in Section Five Thousand Eighteen-a-18 (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole, to establish rules and regulations governing paroles; also to amend Section Five Thousand Six Hundred and Twenty-six (5626) of the Code, relating to pardons and the revision of fines and forfeitures.

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

By Senator Chapman, Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the Council of the City of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore Street in said city and all acts done thereunder.

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

By Senator Mattes (by request), Senate File No. 263, a bill for an act to make appropriations for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.

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

By Senator Balkema, Senate File No. 264, a bill for an act to repeal Section Fourteen Hundred and three (1403) and Fourteen Hundred and Thirteen (1413), of the Code, and the law as it appears in Section Fifteen Hundred and Forty-A (1540-a) of the Supplement to the Code, 1907, relative to the collection of road taxes, and to enact substitute therefor.

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

By Senator Wilson, Senate File No. 265, a bill for an act relating to the building of county bridges.

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

Senator Stuckslager from the Committee on part of the Senate appointed to visit the several state institutions asked unanimous consent to have the time for the making of their report extended until March 5th.

Consent granted.

HOUSE MESSAGES CONSIDERED.

House File No. 9, a bill for an act to repeal Section 3307 of the Supplement to the Code 1907, relating to administration of the estates of absentees and to enact a substitute therefor.

Passed on file.

House File No. 172, a bill for an act to amend Section 2601 of the Code relating to admission of inmates to the Iowa Soldiers' Home located at Marshalltown and asks for a conference com-

mittee and the Speaker names as committee on part of the House: Johnson of Mitchell, Stillman of Green, Etter of Keokuk.

Passed on file.

House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for the same and fixing fines and penalties for violation of such rules and regulations.

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

The President announced that there had been placed with him a communication from the Governor requiring an executive session of the Senate.

Senator Gilliland moved that the Senate go into executive session at 11:45 A. M.

Carried.

REPORTS OF COMMITTEES.

Senators Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 238, a bill for an act amending Section two thousand one hundred and twenty-six (2126) of the Code, relative to railway rates, beg leave to report that they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SENATE SUBSTITUTE FOR SENATE FILE NO. 238.

A Bill for an Act Amending Section Two Thousand One Hundred and Twenty-six (2126) of the Code, Relative to Railroad Rates.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Section two thousand one hundred and twenty-six (2126) of the Code, is hereby amended by adding thereto the following:

“Provided that where two or more lines of steam railway are operated between two points, the Board of Railroad Commissioners may, in its discretion, authorize the longer line or lines to charge the schedule of freight or passenger rates, or both, or said schedule of rates, in effect between said points for the shorter line, upon such terms and conditions as the board may impose as to the rates to be charged at intermediate stations, without being required to make a like rate on other parts of

its line; provided that the Board of Railroad Commissioners may withdraw such authorization at its discretion," and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car, and giving authority to conductors or railway trains to make arrests as peace officers, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 130.

A Bill for an Act to Prohibit Drinking Intoxicating Liquors as a Beverage or the Use of Profane and Indecent Language on any Railway Passenger Car in Service and Make the Same a Misdemeanor and Giving the Conductor of Any Train Carrying Passengers the Right to Refuse to Permit any Person Intoxicated to Enter any Passenger Car in Service and to Eject From His Train Certain Disorderly Persons.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Any person who shall drink intoxicating liquors as a beverage on any passenger railway car or street car or who shall use profane or indecent language on such railway or street car shall be guilty of a misdemeanor.

SEC. 2. Any conductor of a railway train or street car carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on his train or street car in his charge who shall be in a state of intoxication; and shall have the further right to eject from his train at any station or from his street car at any regular stop any person found in a state of intoxication or drinking intoxicating liquors as a beverage, or using profane or indecent language on any passenger car of his train or any street car under his charge and for that purpose may call to his aid any employe of the railway or street car company, and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Substitute read first and second time and passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 8, a bill for an act authorizing the Governor to remove

officers for misfeasance, malfeasance or nonfeasance in office, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 8.

A Bill for an Act Authorizing the District Court or Judge to Remove Officers for Misfeasance, Malfeasance or Nonfeasance in Office, and Providing the Method of Procedure Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Any county attorney, sheriff, mayor, police officer, marshal or constable shall be removed from office by the district court or judge upon charges made in writing and hearing thereunder for the following causes:

1. For neglect or refusal to perform the duties of his office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication or upon conviction of being intoxicated.

SEC. 2. The complaint or petition shall be entitled in the name of the State of Iowa, and may be filed upon the relation of any five citizens of the county in which the person charged is an officer, the county attorney of such county, or the attorney general, and shall be filed by the attorney general when directed so to do by the governor.

SEC. 3. It shall be the duty of the governor, whenever he has knowledge that reasonable grounds exist for the filing of complaint against any of the within named officers, to direct the attorney general to file the same against the offending party and prosecute said action. The accused shall be named as defendant and the petition, unless filed by the attorney general, shall be verified. The petition shall state the charges against the accused and may be amended as in ordinary actions, and shall be filed in the office of the clerk of the district court of the county in which the person charged is an officer. The accused may at any time prior to the time fixed for hearing file in the office of the clerk of the district court his answer which shall be verified.

SEC. 4. If the person or persons filing the complaint believe that the cause ought not to be heard before any of the judges in such district, he shall at the time he files his petition in the office of the clerk of the district court, file a copy thereof in the office of the clerk of the supreme court, together with an application to the supreme court asking for the appointment of a judge outside of such district to hear the complaint. Upon the filing of the copy of said complaint, together with the application, in the office of the clerk of the supreme court, it shall be the duty of the chief justice of the supreme court, or in his absence or inability to act, any justice thereof, to forthwith issue a written commission directing a district judge in the State of Iowa outside of such district to proceed to the county in which the complaint was filed and hear the same. Upon the receipt of such commission, said judge shall immediately make an order fixing a

time for hearing, which shall be not less than ten (10) nor more than twenty (20) days thereafter, and forward said order to the clerk of the district court of the county in which the hearing is to be had. The clerk shall file said order and forthwith cause a copy thereof or a notice of the time and place of hearing to be served on the accused. If the cause is to be heard by a judge within the judicial district, upon the presentation of the petition, or a copy thereof, to such judge, he shall make the order fixing a time for the hearing as hereinbefore specified.

SEC. 5. The proceeding shall be summary in its nature and may be heard either in vacation or term time, and shall be heard before the court or judge without the intervention of a jury. Upon the filing of the petition in the office of the clerk of the district court, and presentation of the same to the judge, the court or judge shall suspend the accused from office, if in his judgment sufficient cause appear from the petition and affidavit or affidavits which may be presented in support of the charges contained therein. In case of suspension, as herein provided, the temporary vacancy shall be filled in the manner specified in Section 1257 of the Code.

SEC. 6. If upon the hearing herein provided for, the district court or judge shall find that the accused should be removed from office, he shall make and enter of record an order of removal and the vacancy thus created shall be filled as provided in Section 1272 of the Supplement to the Code, 1907.

SEC. 7. In case of appeal to the supreme court, the cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstract and arguments are filed in said court in time for said action to be heard. The supreme court shall fix the time of hearing and the filing of arguments. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore said defendant to office pending such appeal.

SEC. 8. Any judge who is required to preside at a hearing, herein provided for, outside of his judicial district, shall be allowed his necessary and actual expenses incurred by reason of such hearing. An itemized sworn statement shall be made by such judge showing the amount of expenses incurred, and the same shall be filed with the auditor of state. Thereupon, the auditor shall draw his warrant upon the treasurer of state for such amount.

SEC. 9. All acts and parts of acts in conflict with this act, in so far as they apply to the officers herein designated, are hereby repealed.

SEC. 10. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and 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 the law as it appears in Section five hundred eighty-six (586) and Section eight hundred ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of cemetery tax, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking out the word "amend" in the first line thereof, and inserting in lieu thereof the word "that." And by adding after the figures "1907" in the third line thereof the words "be amended."

Amend Section 2 by striking out the word "amend" in the first line thereof, and inserting in lieu thereof the word "that." And by adding after the figures "1907" in the second line thereof the words "be amended."

Amend the bill by striking out all of Section 3, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 158, a bill for an act to amend Section three thousand one hundred thirty-eight (3138) of the Supplement to the Code, 1907, relating to the lien and liability of hotel and inn-keepers, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 171, a bill for an act to repeal Sections four hundred sixteen (416), four hundred seventeen (417), four hundred eighteen (418), four hundred nineteen (419) of the Code relating to supervisor districts and to abolish supervisor districts heretofore created and to fix the day on which the term of office of members of the board of supervisors shall commence and end, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 177, a bill for an act to repeal Sections forty-nine hundred seventy-five-d (4975-d), forty-nine hundred seventy-five-g (4975-g) and

forty-nine hundred seventy-five-h (4975-h) of the Supplement to the Code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 71, a bill for an act providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto, naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections fifteen hundred twenty-eight (1528) and fifteen hundred thirty (1530) of the Supplement to the Code, 1907, and enacting substitutes therefor, and repealing Sections fifteen hundred sixty-two (1562) and fifteen hundred sixty-two-a (1562-a) of the Supplement to the Code, 1907, and repealing Sections fifteen hundred sixty-four (1564), fifteen hundred sixty-five (1565) and five thousand twenty-four (5024) of the Code, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Agriculture.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was referred to the Committee on Agriculture.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 171, a bill for an act providing for the completion and distribution of the Roster of Iowa Soldiers, Sailors and Marines as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That Section 1 be amended by striking out the words and figures "twelve thousand five hundred dollars (\$12,500.00)" in the first and second lines of said section and inserting the words and figures "ten thousand (\$10,000.00) dollars" in lieu thereof; also that "Section 2" be stricken out and the following substitute be inserted in lieu thereof:

"SEC. 2. The edition of each volume hereafter printed shall be three thousand, instead of ten thousand, as provided by said chapter. Two thousand of each edition shall be bound in half sheep and the remainder shall be stitched and stored for future use and so bound whenever required for sale or distribution. One hundred sets of said roster and

record shall be placed in the hands of the Adjutant General and one hundred sets in the State Library, for exchange with libraries of other states, the War Department Library, and the Librarian of Congress and such other institutions of other states as have extended or may hereafter extend courtesies of like character to this state; one set shall be issued to each camp of the Union Veterans' Legion, located in the State of Iowa; the remainder of the edition shall be disposed of as provided in Section three of the aforesaid chapter, except as said Section is modified by the provisions of this act," and when so amended the bill do pass.

F. L. MAYTAG,

Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 139, a bill for an act providing for the completion and distribution of the Roster of Iowa Soldiers, Sailors and Marines as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,

Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 266, a bill for an act to amend the law as it appears in Section Eight Hundred and Fifty-c (850-c) of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section Eight Hundred and Fifty-two (852) of the Code as amended by Chapter Forty-three (43) of the Acts of the Thirty-second General Assembly.

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

REPORT OF COMMITTEE.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 55, a bill for an act to amend Section 2570-a of the Code Supplement of 1907, relating to the care of persons infected with con-

tagious disease, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 23, a bill for an act to amend Section Two Thousand One Hundred and Sixteen (2116) of the Code, relating to the duties of railroads as to furnishing transportation, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas moved that the substitute be substitute for the original bill.

Carried.

The substitute was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Brown, De Armand, Francis, Hoyt, Parshall, Sammis, and Savage—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 219, a bill for an act to amend Section Twenty-six Hundred and Ninety-two "A," and Section Twenty-six Hundred Ninety-two "C," of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Maytag moved the adoption of the following amendments:

That the words "the law as it appears in" be inserted after the word "amend" in the first line of the title.

That Section 1 be amended by inserting after the word "That" in the first line the words "the law as it appears in;" also that the word and figure "three (3)" in the third line of said Section be stricken out and the word "two" be inserted in lieu thereof; also that the word "five" in line five of said Section be stricken out and the word "four" be inserted in lieu thereof.

That Section 2 be amended by inserting after the word "That" in the first line the words "the law as it apperas in," and when so amended the bill do pass.

Adopted.

The bill as amended was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des

Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—44.

The nays were:

None.

Absent or not voting:

Brown, Francis, Parshall, Sammis, Savage, and Wilson—6,

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Chapman, Substitute for Senate File No. 99, a bill for an act to amend Section Twenty-six Hundred and Seventy of the Code relating to the Normal School at Cedar Falls, was taken up and considered.

The motion filed by Senator Chapman on February 18, to reconsider the vote by which substitute for Senate File No. 99 passed the Senate, prevailed.

Senator De Wolf, asked unanimous consent to move a reconsideration of the vote by which the bill passed to its third reading.

Carried.

Senator De Wolf offered the following amendment and moved its adoption.

Move to amend by striking out the word "Teachers" in line 6 of the substitute and insert in lieu thereof the word "Normal."

Adopted.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senator Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick Foley, Frudden, Gates, Gilliland, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot,

Quigley, Saunders, Seeley Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, De Armand, Francis, Hammill, Parshall, Ream, Sammis, Savage, Stuckslager, Whipple, and White—15.

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 Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to adjournment.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Adams, Substitute for Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a Board of Examiners in Optometry, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Adams moved that the substitute be substitute for the original bill.

Carried.

The substitute was read for information.

Senator Gilliland moved to amend the bill by striking out Section 15.

Adopted.

Senator Wilson moved that the bill be referred to the Committee on Public Health.

Senator Hammill moved the previous question on the motion to refer.

Carried.

On the motion to refer the bill to the Committee on Public Health a roll call was demanded.

Those favoring the motion were:

Senators Chapman, Clark, Clarkson, De Armand, Mattes, Maytag, Moon, Nichols, Smith of Des Moines, Smith of Mitchell, Taylor, White, Wilson—13.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bal-Kema, Bruce, Burgess, Cosson, Dowell, Fitchpatrick, Foley, Frud-den, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Peterson Proudfoot, Quigley, Seeley, Van Law, Whipple, Whiting—24.

Absent or not voting:

Senators Bennett, Brown, De Wolf, Francis, Hoyt, Jamieson, McManus, Parshall, Ream, Sammis, Saunders, Savage, Stuckslager—13.

So the motion was lost.

Senator Cosson moved that the further consideration of the bill be postponed and that it be made a special order for tomorrow morning at 10 o'clock.

Carried.

HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution, relative to adjournment from February 26th to March 3d at 10:00 o'clock, A. M.

Senator Stuckslager moved that the Senate concur in the following House amendment:

Amend by striking out the words "Friday February 26th" and insert in lieu thereof the words "Thursday February 25th."

Carried.

REPORT OF COMMITTEE.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 61, a bill for an act requiring the teaching of agriculture to be included in course of study of the State University of Iowa, the State College of Agriculture and Mechanic Arts, the State Normal School for the purpose of preparing teachers of agriculture and domestic science and providing for an instructor of agriculture and an instructor in domestic science at the expense of the state in accredited colleges and making appropriation herefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 61.

A Bill for an Act Requiring the Teaching of Agriculture and Domestic Science to be Included in the Course of Study of the State University of Iowa, the State College of Agriculture and Mechanic Arts and the State Normal School for the Purpose of Preparing Teachers of Agriculture and Domestic Science, and Providing for the Teaching of Elementary Agriculture and Domestic Science in the Public Schools and Making This Subject one of the Requirements in Examinations of Teachers for Certificates After a Specified Time.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the teaching of agriculture and domestic science shall hereafter be included in the course of study in the State University, the State College of Agriculture and Mechanic Arts and the State Normal School for the purpose of preparing teachers of agriculture and domestic science for the public schools.

SEC. 2. The teaching of elementary agriculture and domestic science shall, after the 4th day of July, 1912, be required in all ungraded schools and in such departments of graded schools as the state educational board of examiners may require, and said board of examiners shall prescribe the extent of such teaching. After the date aforesaid, elementary agriculture and domestic science shall be included among the subjects required in the examination of applicants for teachers' certificates who are required by the provisions of this act to teach elementary agriculture and domestic science in the public schools, and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Substitute read first and second time and passed on file.

The time having arrived, the President announced that the Senate would go into executive session.

The Senate went into executive session.

The president laid before the executive session the following communication, which was read:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the Senate of the Thirty-third General Assembly:

GENTLEMEN—I have the honor herewith, subject to your approval as provided by Section 5718-a-14 of the 1907 Supplement to the Code, to appoint the Hon. W. H. Berry of Indianola to succeed himself as a member of the Board of Parole, said appointment to be for a period of six years beginning July 1, 1909, the date of the expiration of his present term.

B. F. CARROLL,
Governor.

Senator Proudfoot moved that the Senate advise and consent to the appointment of Hon. W. H. Berry as a member of the Board of Parole.

Carried.

The Senate arose from executive session.

The Senate resumed regular session.

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

Senator Allen of Van Buren moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 25, 1909.

Senate met in regular session at 9:00, A. M., President Clarke presiding.

Prayer was offered by the Rev. John MacAllister of Missouri Valley, Iowa.

On request of Senator Smith of Des Moines, leave of absence was granted Senator McManus for the day.

On request of Senator Fitchpatrick, leave of absence was granted Senator Cosson for the day.

On request of Senator Smith of Mitchell, leave of absence was granted Senator Seeley for the day.

On request of Senator Chapman, leave of absence was granted Senator Francis for the day.

PETITIONS AND MEMORIALS.

Senator Balkema presented remonstrance from citizens of Harwarden, Sioux County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Nichols presented three remonstrances from citizens of Muscatine County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented remonstrance from citizens of Moorehead, Iowa, against the proposed change in the School Laws.

Referred to Committee on Schools.

Senator Dowell presented petition from residents of Polk County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Balkema presented remonstrance from residents of O'Brien County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented remonstrance from citizens of Des Moines against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clark presented petition from residents of Poweshiek County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from citizens of Polk County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from residents of Delaware County, favoring passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from citizens of Des Moines favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented remonstrance from Fairfield Camp No. 246, Modern Woodmen of America, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Allen of Van Buren presented petition from members of the bar of Van Buren County, favoring the consolidation of the First and Second Judicial Districts of Iowa.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from members of the bar of Lee County, favoring the consolidation of the First and Second Judicial Districts of Iowa.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented two petitions from citizens of Fairfield, Jefferson County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Balkema presented petition from citizens of O'Brien County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from the Men's Club of the First United Presbyterian Church, Des Moines, Iowa, favoring a re-submission of prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator De Armand presented remonstrance from Cigarmaker's Local Union No. 172 of Davenport, Iowa, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Trade.

Senator Allen of Van Buren presented petition from members of the bar of Jefferson County, favoring the consolidation of the First and Second Judicial Districts of Iowa.

Referred to Committee on Judiciary.

Senator Frudden presented remonstrance from citizens of Dubuque, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented petition from citizens of Dubuque, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator De Armand presented remonstrance from Cigarmaker's Union No. 172 of Davenport, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from citizens of Polk County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented remonstrance from voters of Polk County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from citizens of Winnebago and Hancock Counties, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Ream presented remonstrance from School District No. 12, Garfield Township, Mahaska County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Ream presented petition from merchants and taxpayers of Beacon, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Judiciary.

Senator Foley presented petition from residents of Floyd County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Peterson presented petition from merchants and taxpayers of Eagle Grove, Wright County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Peterson presented remonstrance from school boards of Hamilton County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Taylor presented remonstrance from Udell Camp No. 6367, Modern Woodmen of America, against the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Saunders presented petition from merchants and taxpayers of Macedonia, Iowa, favoring the passage of the Wage Exemption Law.

Referred to Committee on Commerce and Retail Trade.

Senator Mattes presented petition from residents of Carroll County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Pocahontas presented remonstrance from residents of Humboldt County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented remonstrance from the Southwestern Iowa Medical Association against the passage of House File No. 208, proposing to regulate matters pertaining to the public health.

Referred to Committee on Public Health.

Senator De Armand presented four remonstrances of a numerously signed remonstrance from the Seven Day Adventists of Scott County, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented petition from merchants and taxpayers of Bangor, Marshall County, in favor of the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Gilliland presented petition from merchants and taxpayers of Glenwood, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Wilson presented remonstrance from members of the Brotherhood of Railroad Trainmen, Clinton Lodge No. 183, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented petition from residents of Clinton, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented remonstrance from Pioneer Camp No. 1, Modern Woodmen of America, Lyons, Iowa, against the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Larrabee presented petition from voters of Calhoun County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Larrabee presented petition from residents of Lohrville, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Suppression of Intemperance.

Senator White presented petition from residents of Johnson County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bruce presented remonstrance from members of Wiota Camp No. 5913, Modern Woodmen of America, against the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Jamieson presented petition from citizens of Page and Fremont Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren presented petition from citizens of Jefferson County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented petition from citizens of Cerro Gordo County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clarkson presented petition from citizens of Monroe County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator White presented petition from citizens of Iowa County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator White presented petition from business men of Oxford, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Maytag presented petition from residents of Jasper County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Maytag presented petition from citizens of Jasper County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hammill presented petition from citizens of Bronson, Iowa, favoring the passage of the Blacksmith's Lien Law.

Referred to Committee on Labor.

Senator Hammill presented remonstrance from citizens of Hancock and Cerro Gordo Counties, protesting against the changes in the proposed School Laws.

Referred to Committee on Schools.

Senator Moon presented remonstrance from citizens of Wapello and Jefferson Counties, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from Goodell Camp No. 4376, Modern Woodmen of America, against the proposed Minimum Rate Law.

Referred to Committee on Insurance.

Senator Hammill presented petition from citizens of Thornton, Cerro Gordo County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

The President presented petition from citizens of Dallas County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented remonstrance from citizens of Marshall County, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Adams presented remonstrance from citizens of Allamakee County, against the changes in the proposed School Law.

Referred to Committee on Schools.

REPORTS OF COMMITTEES.

Senator Smith of Mitchell, 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. 111, a bill for an act to amend Section 1385-b of the Supplement to the Code of 1907 and to provide for the assessment of different portions of a tract of real estate when the same has been sold subsequent to the biennial assessment of the same, beg leave to report that they have had the same under consideration and recommend the same be amended as follows:

By inserting after the word "amend" in line 1 of the title the words "the law as it appears in."

By inserting the words "Thirteen Hundred Eighty-five-b" after the word "Section" in line 1 of the title; also by enclosing in parenthesis the figures "1385-b."

Also by inserting a comma after the word "Code" in line 1 of the title and after the figures "1907" in line 2 of the title; also by striking out the word "of" after the word "Code" in line 1 of the title.

Also by inserting after the word "That" in line 1 of Section 1 the words "the law as it appears in;" also by inserting the words "Thirteen Hundred Eighty-five-b" after the word "Section" in line 1 of Section 1; also by enclosing in parenthesis the figures "1385-b" in line 1 of Section 1.

Also by striking out the word "of" after the word "Supplement" in line 1 of Section 1 and inserting in lieu thereof the word "to;" also by striking out the word "of" after the word "Code" in line 1 of Section 1; also by inserting a comma after the word "Code" in line 1 of Section 1 and after the figures "1907" in line 2 of Section 1.

Also by striking out all after the word "by" in line 20 and inserting in lieu thereof the words "the funds which are affected by said re-assessment and the proceedings to be reported to the Board of Supervisors," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 98, a bill for an act to repeal the law as it now appears in Section three hundred thirty-seven-d (337-d) of the Supplement to the Code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 192, a bill for an act to provide for the consolidation of the first and second judicial districts of the State of Iowa and the district as then constituted to be known as the second judicial district of the State of Iowa, and changing the name of the first judicial district of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Chapman, Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the Council of the City of Monticello, Iowa, relating to parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Brown, Clarkson, Cosson, De Wolf, Francis, McManus, Maytag, Parshall, Sammis, Seeley, Stuckslager, Whipple—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Moon, Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

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

By Senator Moon, Senate File No. 268, a bill for an act to amend the law as it appears in Section Eleven Hundred Thirty-seven-a-three (1137-a-3) of the Supplement to the Code, 1907, relating to the filing of statements of receipts and expenditures by chairman of the State, District and County Committees, repealing said section and enacting a substitute therefor.

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

By Senator Moon, Senate File No. 269, a bill for an act amending the law as it appears in Section Sixteen Hundred and Fifty (1650) of the Code, relating to the re-incorporations of the cemetery associations.

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

By Senator Burgess (by request), Senate File No. 270, a bill for an act to compensate D. A. Guthrie for the damages sustained by him by the construction of a dam by the State of Iowa across the outlet of Lower Gar Lake.

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

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 herewith returns Senate File No. 11 as requested by the Senate, a bill for an act to amend Section 433 of the Supplement to the Code, 1907, relating to the burial of indigent soldiers and sailors.

C. R. BENEDICT,
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. 71, a bill for an act to repeal Section 2367 of the Code defining a lawful fence.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE.

Senator Gilliland, 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. 14, a bill for an act to amend the law as it appears in Section 725 of the 1907 Supplement to the Code of Iowa, relative to the regulation of rates and service, and providing for the investigation of gas, water, heat, light or power works or plants, and the operation thereof, and providing for the examination of all books, papers and records kept in connection with the operation of such works or plants for the purpose of regulating and fixing rates and rents for water, gas, heat, light or power and in regulating and fixing charges for meters and other devices used in connection with such works or plants, beg leave to report they have had the same under consideration and recommend the same as amended be indefinitely postponed.

SHIRLEY GILLILLAND,

Chairman.

Ordered passed on file.

Senator Van Law moved that the report of the Committee on Cities and Towns on Senate File No. 14, with the amendments recommended by the sub-committee, be printed in the Journal and the bill be placed on the Calendar.

Carried.

Amendments recommended by sub-committee on Senate File No. 14.

AMEND TITLE.

1st. By striking out the figures "1907" before the word "Supplement" in line two of the printed title.

2nd. Strike out the words "of Iowa" following the word "Code" in the second line of the printed title, and insert the figures "1907."

3rd. Substitute a period for the comma following the word "thereof" in the fifth line of the printed title and strike out all of the title following the said period.

AMEND SECTION ONE.

1st. Strike out the figures "1907" preceding the word "Supplement" in line two of the printed bill.

2nd. Strike out the words "of Iowa" following the word "Code" in the second line of the printed bill, and insert in lieu thereof the figures "1907."

3rd. Add to the said Section the following: "And they shall have the power to examine, under oath, or otherwise, any officer, director, agent or employe of any such individual or private corporation operating any such

works or plant; to issue subpoenas therefor; and to enforce the powers granted hereby, shall have a right of action in any court of competent jurisdiction.

AMEND SECTION TWO.

1st. Strike out "Daily News" in the third line of the printed section and insert in lieu thereof, "Capital."

REPORT OF COMMITTEE.

Senator Gilliland, 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. 123, a bill for an act to amend Section 850-j of the Supplement to the Code, 1907, relating to park districts, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes.

Also:

Senate File No. 119, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

Also:

Senate File No. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

Also:

Senate File No. 129, a bill for an act to amend Section 995 of the Code relating to powers and duties of commissioners in cities of special charter.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes.

Also:

Senate File No. 119, a bill for an act to amend Sections 1571-b, 1571-c, 1571-e and 1571-f of the Supplement to the Code, 1907, in reference to motor vehicles.

Also:

Senate File No. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

Also:

Senate File No. 129, a bill for an act to amend Section 995 of the Code relating to powers and duties of commissioners in cities of special charter.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

REPORT OF COMMITTEE.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health to whom was referred Senate File No. 123, a bill for an act to amend Section twenty-five hundred and seventy-six (2576) of the Supplement to the Code of Iowa, relating to the board of medical examiners, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out, in the title, after the word "Code" in the second line, the words "of Iowa," and inserting in lieu thereof the figures "1907;" and by striking out, in Section 1, after the word "Code" in the second line, the words "of Iowa," and inserting in lieu thereof the figures "1907," and when so amended the bill do pass.

E. W. CLARK,

Chairman.

Ordered passed on file.

Senator Allen of Van Buren moved that Senate File No. 11, a bill for an act to amend Section Four Hundred and Thirty-three

(433) of the Supplement of 1907 to the Code, relating to the burial of indigent soldiers and sailors, be indefinitely postponed for the reason that a similar House Bill has passed the Senate.

Carried.

So the bill was indefinitely postponed.

REPORT OF COMMITTEE.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 180, a bill for an act appropriating two hundred fifty-one dollars and ninety cents (\$251.90) to John M. Wyrick to reimburse him for expenses and services in the extradition of a fugitive from justice, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. HOYT,
Chairman.

Adopted.

So the bill was 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 House File 100 as requested by the Senate, a bill for an act to amend Section 792 of the Code to provide for the oiling of streets and assessing the cost thereto to abutting property.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Adams, Senate File No. 91, a bill for an act to define and regulate the practice of optometry, was taken up and considered.

Senator Adams offered the following amendment and moved its adoption:

Amend Section 6, line 8, after the period following "board," insert "a standard school of optometry shall include a course of instruction of not less than two years' duration, and the terms of schooling shall not be less than three months each year."

Senator Chapman offered the following substitute for the amendment offered by Senator Adams, and moved its adoption:

I move to amend Section 6 of the bill by striking out all of said section after the word "ophthalmology" in line 11 of said section and by inserting in lieu thereof the following:

"The examination may be written or oral, or both, at the discretion of the Board; all answers shall be rated on the scale of 100, and a general average of 75 per cent of correct answers shall be required to pass. If the examination is satisfactory to four members of the examining committee, the applicant shall be entitled to receive a license, signed by the President and Secretary, authorizing him to practice optometry in this State."

Senator Adams moved the previous question on the amendment.

Carried.

On the adoption of the substitute amendment a roll call was demanded.

Those favoring the adoption of the substitute amendment were:

Senators Chapman, Clark, Moon—3.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Jamieson, Larrabee, McCulloch, Mattes, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting—32.

Absent or not voting:

Senators Clarkson, Cosson, De Wolf, Francis, Hoyt, Hunter, Manus, Maytag, Nichols, Parshall, Sammis, Seeley, Smith of Mitchell, Taylor, Wilson—15.

So the substitute amendment was lost.

The amendment offered by Senator Adams was adopted.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend by striking out Section 12 of the bill and by re-numbering Sections 13 and 14 as Sections 12 and 13.

Adopted.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend Section 2, by striking out the word "three" from line two and inserting the word "two" therefor, also to amend by striking the word "one" from line four and inserting the word "two" therefor.

Senator Adams moved the previous question on the amendment and the bill.

Carried.

The amendment was lost.

Senator Adams moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, McCulloch, Mattes, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Taylor, Van Law, Whipple, Whiting—32.

The nays were:

Senators Chapman, Moon, White—3.

Absent or not voting:

Senators Clark, Clarkson, Cosson, De Wolf, Francis, McManus, Maytag, Nichols, Parshall, Sammis, Savage, Seeley, Smith of Mitchell, Stuckslager, Wilson—15.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, in incorporated towns, and special charter cities having organized fire department, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

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

By Senator Maytag, Senate File No. 272, a bill for an act providing for the inside finishing and completion of the historical, memorial and art building and making an appropriation therefor.

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

By Senator White, Senate File No. 273, a bill for an act to amend Section Two Thousand Seventy-seven-a (2077-a) of the Supplement to the Code, 1907, relating to the posting of bulletins.

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

Senator Whipple asked unanimous consent to have printed 150 extra copies of Senate File No. 198.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 148, a bill for an act to amend the law as it appears in Section Five Hundred Ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Clark, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, Larrabee, Mattes, Maytag, Moon, Peterson, Quigley, Ream, Saunders, Smith of Des Moines, Taylor, Van Law, White, Whiting—28.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Chapman, Clarkson, Cosson, De Armand, De Wolf, Francis, McCulloch, McManus, Nichols, Parshall, Proudfoot, Sammis, Savage, Seeley, Smith of Mitchell, Stuckslager, Whipple, Wilson—22.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Smith of Mitchell, 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. 137, a bill for an act to amend Section one thousand four hundred and sixty-seven (1467) of the Code relative to assessment and collection of collateral inheritance tax, beg leave to report they have had the same under consideration and recommend that the following be substituted therefor, and that such substitute do pass:

SUBSTITUTE FOR SENATE FILE NO. 137.

A Bill for an Act to Amend the Law as it Appears in Section One Thousand Four Hundred and Sixty-seven (1467) of the Supplement to the Code, 1907, Relating to Collateral Inheritance Tax and Exemptions.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section number one thousand four hundred and sixty-seven (1467) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the semicolon as appears therein following the word "week" in the twelfth line thereof and inserting in lieu thereof, after the word "week" the following: Or any bequest, not to exceed \$500.00, to and in favor of any person, having for its purpose the performance of any religious service to be performed for and in behalf of decedent or any person named in his or her last will and testament, or any cemetery associations.

JAS. A. SMITH,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 114, a bill for an act to amend Section fourteen hundred and sixty-seven (1467) of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemptions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Gilliland, House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication, was taken up and considered.

Senator Gilliland moved that the Senate recede from the following Senate amendments:

Amend Section 1 by inserting after the word "forthwith" in the second line thereof, and before the word "send" in the third line thereof, the following: "procure one hundred and one copies of the act as published, clip the same from the newspapers, attach his certificate thereto and."

And that Section One be further amended by striking out the words "a certified copy thereof" appearing in the third line thereof.

On the question, "Shall the Senate recede from the Senate amendment?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting—
31.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Dowell, Francis, Jamieson, McManus, Maytag, Parshall, Ream, Sammis, Saunders, Savage, Seeley, Stuckslager, White, Wilson—19.

So the Senate recedes from the Senate amendments.

Senator Gilliland moved that the Senate insist upon the following Senate amendment and ask for a Conference Committee.

SENATE AMENDMENT.

Amend Section 2 by striking out the word "daily" as it appears in line 3 of said section.

On the question, "Shall the Senate insist on the Senate amendment?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Francis, Frudden, Gates, Jamieson, McManus, Nichols, Parshall, Sammis, Savage, Seeley, Stuckslager, Wilson—17.

So the motion to insist prevailed.

On motion of Senator Proudfoot, Senate File No. 75, a bill for an act to repeal Sections Sixteen (16), Seventeen (17) and Twenty (20) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on page four (4) of the prefix to the Code, and enact substitutes therefor; to repeal Sections Eighteen (18) and Nineteen (19) of Chapter Twenty (20) of the Acts of the Extra Session of the Twenty-sixth

General Assembly, as amended by Chapter One (1) of the Acts of the Thirty-first General Assembly, and as same appear on page five (5) of the prefix to the 1907 Supplement to the Code, and enact substitutes therefor; and to repeal Sections Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45) and Forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws, was taken up and considered.

Senator Proudfoot moved that the Senate concur in the following House amendments:

Amend Section Six of the printed bill by striking out the comma, after the word "university" in the fourth line thereof, and inserting the following: "for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to."

Amend Section One of the printed bill by striking out the comma after the word "university" in the eighth line thereof, and inserting the following: "for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to."

Amend by striking from the last line of Section 11, the figures "1907"; by changing the period after the word "Code" in the same line to a comma, and by adding thereafter the figures, "1907."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Francis, Jamieson, McManus, Parshall, Sammis, Savage, Seeley, Stuckslager, Wilson—14.

So the amendments having received a constitutional majority were declared concurred in by the Senate.

On motion of Senator Clark, Senate File No. 124, a bill for an act to amend Section Twenty-five Hundred and Seventy-eight-a (2578-a) of the Supplement to the Code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Dowell, Francis, Hammill, Jamieson, McManus, Parshall, Sammis, Savage, Seeley, Stuckslager, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Proudfoot, Senate File No. 213, a bill for an act fixing the liability of a bank to its depositors for payment of forged or raised checks, with report of committee recommending

passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Proudfoot moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Francis, Jamieson, McManus, Parshall, Sammis, Savage, Seeley, Stuckslager, Wilson—14.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Bruce, Senate File No. 274, a bill for an act repealing Section Three Hundred and Seventy (370) and Three Hundred and Seventy-one (371) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the deposit of funds and moneys or securities by administrators, guardians, trustees, or referees with the county treasurer, belonging to heirs, legatees, devisees, or other persons whose place of residence are unknown.

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

By Senator Bruce, Senate File No. 275, a bill for an act to repeal Section Three Thousand and Sixty-eight (3068) of the Code

and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

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

By Senator Bruce, Senate File No. 276, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

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

By Senator Taylor, Senate File No. 277, a bill for an act making an appropriation for the erection of a monument at Drakeville Cemetery, Davis County, Iowa, to perpetuate the memory of Isaac Mason, a soldier of the Revolutionary War, and providing the method of such erection.

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

Senator Bruce moved that the time for adjournment be extended until 12:30 o'clock.

Carried.

THIRD READING OF BILLS.

On motion of Senator Dowell, House File No. 123, a bill for an act to amend Section Eight Hundred Fifty-j (850-j) of the Supplement to the Code, 1907, relating to park districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, De Armand, De Wolf, Francis, Jamieson, McCulloch, McManus, Parshall, Sammis, Savage, Seeley, Smith of Mitchell, Stuckslager, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Fitchpatrick, House File No. 171, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines, as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Fitchpatrick moved the adoption of the following amendments:

That Section 1 be amended by striking out the words and figures "twelve thousand five hundred dollars (\$12,500.00)" in the first and second lines of said section and inserting the words and figures "ten thousand (\$10,000.00) dollars" in lieu thereof; also that "Section 2" be stricken out and the following substitute be inserted in lieu thereof:

"Sec. 2. The edition of each volume hereafter printed shall be three thousand, instead of ten thousand, as provided by said chapter. Two thousand of each edition shall be bound in half sheep and the remainder shall be stitched and stored for future use and so bound whenever required for sale or distribution. One hundred sets of said roster and record shall be placed in the hands of the Adjutant General and one hundred sets in the State Library, for exchange with the libraries of other states, the War Department Li-

brary, and the Librarian of Congress and such other institutions of other states as have extended or may hereafter extend courtesies of like character to this state; one set shall be issued to each camp of the Union Veteran's Legion, located in the State of Iowa; the remainder of the edition shall be disposed of as provided in Section three of the aforesaid chapter, except as said Section is modified by the provisions of this act."

Adopted.

The bill as amended was read for information.

Senator Fitchpatrick moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moore, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Chapman, Cosson, De Armand, De Wolf, Dowell, Francis, Jamieson, McCulloch, McManus, Parshall, Sammis, Seeley, Stuckslager, Wilson—16.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President announced as Conference Committee on part of the Senate, on Senate File No. 172, Senators Peterson, Savage and Ream.

On motion of Senator Hammill, House File No. 9, a bill for an act to repeal the law which appears as Section Thirty-three Hundred and Seven (3307) of the Supplement to the Code, 1907, re-

lating to the estates of absentees, and enacting a substitute therefor, was taken up and considered.

Senator Hammill moved that the Senate insist on the Senate substitute amendment and ask for a Conference Committee.

On the question, "Shall the Senate insist upon the Senate substitute amendment?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Chapman, Cosson, De Armand, De Wolf, Francis, Frudden, Jamieson, McCulloch, Manus, Parshall, Sammis, Saunders, Seeley, Stuckslager, Wilson—17.

So the motion to insist prevailed.

The President announced as Conference Committee on part of the Senate, on House File No. 9, Senators Whipple, Hammill, Whiting and Proudfoot.

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

HOUSE MESSAGES CONSIDERED.

House File No. 100, a bill for an act to amend Section 792 of the Code, to provide for the oiling of streets and assessing the cost thereto to abutting property.

Passed on file.

Senate File No. 11, a bill for an act to amend Section 433 of the Supplement to the Code, 1907, relating to the burial of indigent soldiers and sailors.

Passed on file.

House File No. 71, a bill for an act to repeal Section 2367 of the Code, defining a lawful fence.

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

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 28, 119, 121 and 129.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 28, a bill for an act to provide for the payment of a bounty for the destruction of rattlesnakes.

Also:

Senate File No. 119, a bill for an act to amend Sections fifteen hundred and seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e), and fifteen hundred and seventy-one-f (1571-f) of the Supplement to the Code, 1907, in reference to motor vehicles.

Also:

Senate File No. 121, a bill for an act to legalize certain ordinances of the town of Oxford Junction, Jones County, Iowa.

Also:

Senate File No. 129, a bill for an act to amend Section nine hundred ninety-five (995) of the Code relating to powers and duties of commissioners in cities of special charter.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Bennett moved that the Senate do now adjourn.

Carried.

Senate adjourned until 10:00 o'clock, A. M., Wednesday, March 3.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 3, 1909.

Senate met pursuant to adjournment at 10:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. G. H. Putnam of Humeston, Iowa.

On request of Senator Frudden, leave of absence was granted Senator Foley for the day.

On request of Senator Mattes, leave of absence was granted Senator Larrabee until tomorrow.

On request of Senator White, leave of absence was granted Senator Brown until tomorrow.

On request of Senator Savage, leave of absence was granted Senator Balkema until tomorrow.

On request of Senator Hunter leave of absence was granted Senator Allen of Pocahontas indefinitely on account of sickness.

PETITIONS AND MEMORIALS.

Senator Fitchpatrick presented 2 petitions from merchants and tax payers of Story and Boone Counties favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Mattes presented petition from merchants and tax payers of Dedham, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Sammis presented petition from the residents of Plymouth County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Chapman presented remonstrance from Plum Creek Camp No. 2826, Modern Woodmen of America of Bennett, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Moon presented 2 remonstrances from residents of Wapello County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Burgess presented petition from merchants and tax payers of Winneshiek County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Hammill presented remonstrance from Modern Woodmen of America of Franklin County, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Hammill presented 2 petitions from merchants and tax payers of Franklin County and Hancock County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator De Armand presented petition from citizens of Scott County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Frudden presented petition from the classical literature division of the Dubuque Women's Club, favoring the amendment to the proposed changes in the School Law.

Referred to Committee on Schools and Text Books.

Senator Allen of Van Buren presented petition from merchants and tax payers of Mount Sterling, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Hoyt presented petition from merchants and tax payers of Buchanan County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Nichols presented 2 petitions from merchants and tax payers of Muscatine County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Francis presented petition from residents of Kossuth County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented 3 petitions from merchants and tax payers of Dickinson, Emmet and Palo Alto Counties, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Bennett presented 2 petitions from merchants and tax payers of Taylor County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Bennett presented remonstrance from citizens of Prescott, Adams County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gates presented remonstrance from Modern Woodmen of America of Bremer County, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Peterson presented petition from merchants and tax payers of Alden, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Ream presented remonstrance from citizens of Oskaloosa, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented remonstrance from citizens of Marshall County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from merchants and tax payers of Marshall County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Seeley presented petition from merchants and tax payers of Henry County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Seeley presented petition from residents of Henry County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Chapman presented remonstrance from members of Modern Woodmen Camp, No. 183, of Wyoming, Jones County, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Quigley presented petition from merchants and tax payers of Clayton County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Quigley presented 2 remonstrances from McGregor Camp No. 1184, Royal Neighbors of America, also Whitewood Camp No. 156, Modern Woodmen of America, Strawberry Point, against the passage of the proposed Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Quigley presented petition from voters of Clayton County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Saunders presented petition from residents of Pottawattamie County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Burgess presented petition from residents of Winneshiek County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Burgess presented petition from residents of Winneshiek County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Francis presented remonstrance from residents of Palo Alto and adjoining counties against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Moon presented petition from voters of Chillicothe, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented 3 remonstrances from citizens and voters of Manning, Iowa, and members of the German American Liberal League of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented remonstrance from the Liberal Brotherhood of Aspinwall, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented remonstrance from citizens of Crawford County, Iowa, and members of the German-American Liberal

League of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented remonstrance from citizens of Carroll County, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented 2 remonstrances from citizens of Denison, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented remonstrance from members of the International Brotherhood of Electrical Workers Local Union No. 55 of Des Moines, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

The President presented petition from citizens of Marshall County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

The President presented remonstrance from citizens of Manning, Iowa, against the re-submission to the voters of Iowa of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

The President presented remonstrance from citizens of Crawford County, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the re-submission to the voters of Iowa of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

The President presented 2 remonstrances from citizens of Denison, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

The President presented remonstrance from citizens of Carroll County, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

The President presented remonstrance from citizens of Manning and members of the German-American Liberal League of Manning, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

The President presented petition from the Liberal Brotherhood of Aspinwall, Iowa, and members of the German-American Liberal League of Manning, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

The President presented remonstrance from German-American Liberal Citizens League of Manning, Iowa, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hoyt presented petition from citizens of Buchanan County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

INTRODUCTION OF BILLS.

By Senator Allen of Van Buren, Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges thereof.

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

By Senator Van Law (by request), Senate File No. 279, a bill entitled an act to regulate demurrage and storage charges and to prevent delays in the transportation and delivery by railroads of freight; to provide charges and damages and for the recovery

thereof, and to provide penalties for the violation of the provisions hereof.

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

By Senator Van Law, Senate File No. 280, a bill for an act to provide that any common carrier operating or doing business within the State of Iowa, shall adjust and pay all claims for which such common carrier is liable for loss or damage to property, or overcharge for freight, within a certain time; to provide for the payment of ten per cent interest on such claims and for the recovery of attorney's fees in case of the failure of the common carriers to adjust and pay such claims within the time limited herein, and to make this a cumulative act.

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

Senator Quigley offered the following Concurrent Resolution which was laid over under the rules.

SENATE CONCURRENT RESOLUTION.

Memorializing the Iowa members in Congress to use their influence for the conservation of fish and regulation of the fish industry.

WHEREAS, The United States Government has not granted to the states bordering on the navigable lakes and rivers any rights of ownership or control of the ice, water or fish contained therein.

AND WHEREAS, A profitable and important industry has grown up; engaged in by substantial men of means, who furnish equipment and employment to a very large number of well paid laborers, who are industrious, respectable and worthy citizens and who are bread-winners for large families dependent upon them for support.

AND WHEREAS, There is an abuse and profligate waste in this great source of food supply, on account of the present methods of catching fish with seines and nets of various kinds with too small mesh, thereby taking young fish which are too small for profit and should be left in the water to grow, also by drawing seines over spawning beds and destroying spawn and young fish.

AND WHEREAS, The small lakes, sloughs and bayous in which the young fish are bred and in which the young fish stay are usually shallow in the fall, and partially land-locked at the outlets, so that when winter comes the young fish are shut up and millions of them smothered and killed in a single lake, causing a much greater destruction on the Mississippi river alone than could be replaced with one hundred thousand government hatcheries.

AND WHEREAS, By the use of less than one-third of the present appropriation for propagating and distributing fish, these lakes, sloughs and bayous can be ditched and opened so that young fish can escape to the deeper water and be saved.

AND WHEREAS, We deem it for the best interest of all the people of the States that Congress should pass suitable laws for the protection and preservation of fish as a food supply and regulating the time and methods of catching fish for market.

AND WHEREAS, We believe that if the United States Congress will enact a law forbidding the use of seines, nets, etc., with less than two and one-half inch mesh for catching fish, and prohibiting the use of seines and nets of all kinds during spawning season, such laws will be easily enforced for the reason that a large majority of the people engaged in catching, buying and selling fish desire such a law and will comply with it and will for the protection of their business assist in the enforcement.

Now Therefore be it Resolved, That we urge our Senators and Representatives in Congress to pass laws for the regulation of the fish industry and the preservation of fish on all navigable lakes and rivers.

Providing for a closure during spawning season.

Providing for ditching small lakes, ponds, sloughs and bayous to a depth sufficient to allow young fish to escape into deep water and providing that no seine or net of any kind shall be used for catching fish that is less than two and one-half inch mesh except minnow seines, which shall not exceed twenty-four feet in length.

Resolved, That a copy of this memorial and resolution be forwarded to each of the Iowa Senators and Representatives.

Senator Allen of Van Buren occupying seat No. 1, asked unanimous consent to exchange seats with Senator Jamieson, occupying seat No. 49, Senator Allen of Van Buren to occupy seat No. 49 and Senator Jamieson to occupy seat No. 1.

Consent granted.

REPORT OF COMMITTEE.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Our committee on Highways, to whom was referred House File No. 5, a bill for an act to amend the law as it appears in Section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 5.

A Bill for an Act to Amend the Law as it Appears in Section Fifteen Hundred Thirty-two-a (1532-a) of the Supplement to the Code, 1907, Relative to the Duties of Township Trustees; the Election and Compensation of Road Superintendents; the Division and Consolidation of Road Districts and the Collection of Property Road Tax.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section fifteen hundred thirty-two-a (1532-a), Supplement to the Code, 1907, be hereby amended by inserting after the period at the end of said Section the following: "Provided, however, the board of township trustees at any regular meeting shall, when a written petition is presented to them, signed by at least sixty-five per cent. of the voters of such township who voted at the last preceding general election, divide the township into two or more road districts, said division to take effect on the first day of January succeeding. When a township is so divided, the electors of each road district at the succeeding general election shall elect a road superintendent for the term of two years. The several road superintendents shall be entitled to receive salaries as fixed by the board of township trustees not exceeding three dollars (\$3.00) per day for each full day's service actually performed."

SEC. 2. The board of township trustees, after a trial of two or more years of this plan, shall, when a written petition is presented to them signed by a majority of the voters who voted at the last preceding general election, at the April meeting in any year consolidate the road districts of the township and return to the one-district plan, said change to take effect on the first day of January following:

SEC. 3. The township trustees of each township where road superintendents are to be elected shall prepare for each election precinct in such township a separate ballot box with compartments to correspond with the number of the different road districts in the township or election precincts and number the same accordingly. The vote for road superintendent shall be on a separate ballot and deposited in the proper compartment of the ballot box, numbered to correspond with the road district.

SEC. 4. In townships so divided into two or more road districts the township trustees shall permit property owners to work out not to exceed seventy-five per cent. of their property road tax for the year in which said tax is assessed and shall as above provided at their regular annual meeting in April determine the amount of tax to be paid in labor and the amount to be paid in cash, provided that two-thirds of the amount of tax payable in labor shall be worked out under direction of the road superintendent before July first, each year.

SEC. 5. The township clerk shall make out a list of the property and tax for each superintendent of roads. The property road tax worked out shall be certified by township clerk to the county auditor on or before the second Monday of November of each year and the county auditor shall credit the amount of tax worked out upon the tax list before delivering

the tax list to the county treasurer, and when so amended the bill do pass.

J. I. NICHOLS,

Chairman.

Substitute read first and second time and passed on file.

THIRD READING OF BILLS.

On motion of Senator Jamieson, Senate File No. 238, a bill for an act amending Section Two Thousand One Hundred and Twenty-six (2126) of the Code, relative to railway rates, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Jamieson moved that the substitute be substituted for the original bill.

Carried.

Senator Jamieson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Jamieson, McCulloch, Mattes, Moon, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

Senator Nichols—1.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Brown, De Wolf, Foley, Hunter, Larrabee, McManus, Maytag, Parshall, Sammis, Smith of Mitchell—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its 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. 256, a bill for an act to amend Sections 720, 721 and 776 of the Supplement to the Code, 1907, relating to the purchase of water or gas works, heat plants and electric plants, the granting of franchises, and the submission of the question to the voters.

C. R. BENEDICT,
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. 277, a bill for an act to amend Sections 741-g, 741-m, 741-q and 746 of the Supplement to the Code, 1907, relating to the submission of questions to voters.

C. R. BENEDICT,
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. 121, a bill for an act to amend Section 1570 of the Supplement to the Code, 1907, providing for the time when osage orange, willow and other hedge fences shall be trimmed.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Hammill, Senate File No. 59, a bill for an act to amend Section Two Thousand Three Hundred Ninety-four (2394) of the Code of Iowa, relating to the sale of intoxicating liquors by permit holders, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cosson offered the following amendment and moved its adoption:

I move to amend Senate File No. 59 by inserting after the word "beverage" in the blank request in the tenth line of page 2 of

the printed bill the following: "If the applicant is unknown to the permit holder the blank below shall be filled out and signed by a witness."

Adopted.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend by adding after the word "beverage" in blank application the words: "I have not been the subject of liquor addiction treatment."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Bruce Burgess, De Armand, Frudden, Gates, Gilliland, Hunter, McCulloch, Mattes, Maytag, Moon, Quigley, Sammis, Smith of Des Moines, Taylor, White, Wilson—17.

The nays were:

Senators Adams, Allen of Van Buren, Bennett, Clarkson, Cosson, Fitchpatrick, Francis, Hammill, Nichols, Peterson, Proudfoot, Seeley, Smith of Mitchell, Van Law, Whipple, Whiting—17.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Brown, Chapman, Clark, De Wolf, Dowell, Foley, Hoyt, Jamieson, Larrabee, McManus, Parshall, Ream, Savage, Stuckslager—16.

So the amendment was lost.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by striking out of lines 7 and 8 of the printed bill, the following words: "and his official stamps, countersigned by the Clerk of the District Court."

Adopted.

Senator Smith of Mitchell offered the following amendment and moved its adoption:

Move to amend Section One of the bill by inserting after the words and figures "two thousand three hundred ninety-four (2394)" as the same appears in line two the words "of the Code"

and by striking out the words "of Iowa" as they appear after the word "Code" in the second line of the title.

Adopted.

Senator Allen of Van Buren moved that the time for adjournment be extended 15 minutes.

Carried.

Senator Hammill moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Jamieson, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Brown, Bruce, De Wolf, Foley, Gates, Larrabee, McManus, Parshall, Quigley, Sammis—12.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Dowell moved that when the Senate adjourn it be until 4:00 o'clock, P. M.

Carried.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 198, a bill for an act to create a state board of education for the state university, the college of agriculture and mechanic

arts, and the normal school and to prescribe its duties and to provide for the management and control of the state university, the college of agriculture and mechanic arts and the normal school, to make appropriations therefor, and to repeal Section two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-six (2646), two thousand six hundred forty-seven (2647), two thousand six hundred fifty (2650), etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the title be amended by striking out the words and figures "two thousand six hundred forty-six (2646)," in the eleventh line, also by striking out the words and figures "two thousand six hundred fifty (2650)," in the twelfth line, and insert after the word "sections" in the eighteenth line the words and figures "two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650)."

That Section 9 be amended by striking out the word "a" in the sixth line of said Section and insert the word "each" in lieu thereof.

That Section 10 be amended by striking out the words "expended herein authorized" and insert in lieu thereof the words "expenses of the board and the finance committee, including the salaries and expenses of their assistants" in the last line of said Section.

That Section 11 be amended by striking out the word "their" in line seven and inserting the word "his" in lieu thereof; also by striking out the word "his" in the eighth line and insert the word "their" in lieu thereof.

That Section 12 be amended by striking out the word "the" before the word "State" in the sixth line of said Section.

That Section 18 be amended by striking out the word "may" in the sixth line of said Section and insert the word "shall" in lieu thereof. Section 19 be amended by striking out the word "of" in the last line of said Section and insert the word "for" in lieu thereof.

That Section 20 be amended by striking out the words and figures "two thousand six hundred forty-six (2646)," in the fifth and sixth lines of said Section, also the words and figures "two thousand six hundred fifty (2650)," in the seventh line of said Section and insert after the word "Sections" in the twelfth line the words and figures two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650)," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Senator Jamieson filed the following motion:

I move to reconsider the vote by which the substitute for Senate File No. 238 was passed and the vote by which the same passed to its third reading.

W. D. JAMIESON.

Senator Jamieson asked unanimous consent to take up for consideration the motion to reconsider filed by him.

Consent granted.

Senator Jamieson moved that the motion to reconsider the vote by which substitute for Senate File No. 238 passed the Senate and also passed to its third reading, be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Van Buren, Burgess, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Jamieson, McCulloch, Moon, Peterson, Ream, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—29.

The nays were:

Senators Bennett, Mattes, Nichols, Proudfoot, Sammis, Savage, Smith of Mitchell, White—8.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Brown, Bruce, Chapman, Clark, De Wolf, Foley, Larrabee, McManus, Maytag, Parrshall, Quigley—13.

So the motion to reconsider was laid on the table.

INTRODUCTION OF BILLS.

By Senator White, Senate File No. 281, a bill for an act to amend the law as it appears in Section Two thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district.

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

HOUSE MESSAGES CONSIDERED.

House File No. 227, a bill for an act to amend Sections 741-g, 741-m, 741-q, and 746 of the Supplement to the Code, 1907, relating to the submission of questions to voters.

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

House File No. 121, a bill for an act to amend Section 1570 of the Supplement to the Code, 1907, providing for the time when osage orange, willow and other hedge fences shall be trimmed.

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

House File No. 256, a bill for an act to amend Sections 720, 721 and 776 of the Supplement to the Code, 1907, relating to the purchase of water or gas works, heat plants, the granting of franchises and the submission of the question to the voters.

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

INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 282, a bill for an act to legalize the action and proceedings of the Board of Supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of indebtedness of Pony Creek Drainage District No. 1 and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.

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

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

Senator Frudden moved that the Senate do now adjourn.

Carried.

Senate adjourned until 4:00 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 4:00 o'clock, P. M., President Clarke presiding.

The President announced as Conference Committee on part of the Senate on House File No. 130: Senators Francis, Allen of Van Buren and Wilson.

Senator Dowell was called to the Chair at 4:05 o'clock, P. M.

In accordance with the program previously arranged in honor of Senator W. D. Jamieson, who on this day concludes his ser-

vices as Senator from the 7th Senatorial District of the State of Iowa, the Chairman called upon the following named Senators: Senators Moon, Bruce, De Armand, Gilliland, also President Clarke, who addressed the Senate in terms of appreciation of Senator Jamieson and congratulatory to him upon his election to Congress, to which the Senator replied in an address very fitting and appropriate to the occasion.

The President resumed the Chair at 4:55 o'clock, P. M.

The President announced the following communication which was read:

To the Lieutenant Governor of the State of Iowa:

Inasmuch as the constitution of Iowa provides that a member of the General Assembly shall not hold any other lucrative political office, and as tomorrow my term as Representative in Congress for the Eighth District begins, I therefore resign as member of the State Senate, such resignation to take effect immediately upon the adjournment of today's session.

W. D. JAMIESON.

Des Moines, Iowa, March 3, 1909.

Passed on file.

Senator Wilson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 4, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Frank P. Shaffer of Osage, Iowa.

On request of Senator Smith of Des Moines, leave of absence was granted Senator Brown for the day on account of sickness.

PETITIONS AND MEMORIALS.

Senator Gilliland presented petition from business men of Elliott, Iowa, favoring amendment to House Bill No. 88.

Referred to Committee on Suppression of Intemperance.

Senator Gilliland presented petition from residents of Elliott, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Railroads.

Senator Frudden presented remonstrance from citizens and tax payers of Dubuque County, against the passage of House File No. 62.

Referred to Committee on Schools.

Senator Stuckslager presented petition from citizens of Linn County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Stuckslager presented petition from merchants and tax payers of Linn County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Stuckslager presented remonstrance from Carpenters' Local Union No. 308, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Smith of Mitchell presented petition from merchants and tax payers of Worth County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Savage presented petition from merchants and tax payers of Adair County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Balkema presented petition from citizens of Osceola County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Ream presented petition from merchants and tax payers of Fremont, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Taylor presented petition from merchants and tax payers of Mystic, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Burgess presented petition from citizens of Winneshiek County, favoring an amendment to the Fish and Game Laws.

Referred to Committee on Fish and Game.

Senator Burgess presented petition from citizens of Winneshiek County, favoring the passage of a bill for the control of venereal diseases.

Referred to Committee on Public Health.

Senator Cosson presented petition from citizens of the State of Iowa, favoring changes in the Road Laws of the State.

Referred to Committee on Highways.

Senator Cosson presented three petitions from citizens of Dallas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Cosson presented remonstrance from citizens of Audubon and Guthrie Counties, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from citizens of Polk County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented remonstrance from Modern Woodmen Camp No. 2900 of Brayton, Iowa, against the passage of the Minimum Rate Law.

Referred to Committee on Insurance.

Senator Allen of Van Buren presented three remonstrances from citizens of Van Buren County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Seeley presented petitions from citizens of Henry County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Mattes presented remonstrance from citizens of Manning, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Mattes presented remonstrance from members of the German-American League of Manning, Iowa, and vicinity, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented remonstrance from Musicians Protective Union No. 79 of Clinton, Iowa, against the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator Adams presented three petitions from citizens of Fayette and Allamakee Counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Adams presented remonstrance from electors of Independent School District of Dahl, Paint Creek Township, Allamakee County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Whiting presented two petitions from merchants and tax payers of Denison and Turin, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Peterson presented petition from citizens of Wright County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator White presented petition from attorneys of Iowa City, Iowa, favoring increasing the compensation of official court reporters.

Referred to Committee on Compensation of Public Officers.

Senator Francis presented petition from the Friends Church of Greenville, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented remonstrance from citizens of Taylor County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented petition from members of the Swedish Evangelical Lutheran Augustana Church of Sioux City, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented petition from merchants and tax payers of Woodbury County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Moon presented two remonstrances from citizens of Wapello County, against the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator De Armand presented remonstrance from citizens of Scott County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Larrabee presented three petitions from citizens of Webster County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Chapman presented petition from merchants and tax payers of Cedar County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Foley presented two petitions from citizens of Floyd County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Foley presented 2 petitions from citizens of Floyd County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bruce presented remonstrance from citizens of Cass County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Bruce presented petition from citizens of Harlan, Iowa, in favor of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Hoyt presented petition from merchants and tax payers of Delaware County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Hoyt presented petition from citizens of Delaware County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented petition from citizens of Clinton County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented petition from citizens of Taylor County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Frudden, Senate File No. 283, a bill for an act making Section One Thousand Five Hundred and Thirty (1530) of Chapter Two (2), Title Five (V), of the Code, applicable to cities acting under special charters.

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

By Senator Taylor (by request), Senate File No. 284, a bill for an act to amend Section Five Thousand One Hundred and Sixty-five (5165) of the Code, relating to the time of commencing criminal actions in certain cases.

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

By Senator De Armand, Senate File No. 285, a bill for an act to repeal Section One Thousand Three Hundred and Six-e (1306-e) of the Supplement of the Code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof relating to the same subject.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 136, a bill for an act making an appropriation to defray the expenses of the inaugural ceremonies.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 72, a bill for an act to amend the law as it appears in Section 4999-a-9 of the Supplement to the Code, 1907, relating to protection against fire and providing means for escape.

C. R. BENEDICT,
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. 159, a bill for an act to repeal Section 1820 of the Code, relating to limitation of actions and enacting a substitute therefor.

C. R. BENEDICT,
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. 173, a bill for an act to amend Section 1789 of the Code, relating to the assignment of life insurance policies.

C. R. BENEDICT,
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. 223, a bill for an act to amend Section 1, Chapter 122, of the laws of the Twenty-ninth General Assembly, relating to the support of the Iowa school for the deaf at Council Bluffs.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Concurrent Resolution memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 171, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided by Chapter 223, laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator De Armand (by request) Senate File No. 286, a bill for an act authorizing counties, towns, school districts or drainage districts to convert their bonds, warrants or any certificates of indebtedness, payable to bearer or to a person, firm or corporation named or bearer into registered obligations.

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

By Senator Clarkson, Senate File No. 287, a bill for an act to amend Section Sixteen Hundred and Forty-one-b (1641-b), Supplement of the Code, 1907, relating to the issuing of capital stock, and the duty of the executive council in fixing value.

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

By Senator Clarkson, Senate File No. 288, a bill for an act relating to the powers of the State Board of Health, and empowering it to establish a standard for sanitary plumbing.

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

By Senator Clarkson, Senate File No. 289, a bill for an act to provide for examination and license of plumbers.

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

By Senator Dowell, Senate File No. 290, a bill for an act to repeal Section Twenty-eight Hundred Twenty-a (2820-a), Twenty-eight Hundred Twenty-b (2820-b), Twenty-eight Hundred Twenty-c (2820-c), and Twenty-eight Hundred Twenty-d (2820-d) of the

Supplement to the Code, 1907, relative to the limit of indebtedness of independent school districts and to enact a substitute therefor.

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

By Senator Sammis, Senate File No. 291, a bill for an act to supervise and regulate surety companies and to provide for fair, reasonable and uniform premium rates by such companies, and to prevent rebating and discrimination therein, and providing penalties for violations of this act.

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

By Senator Bruce, Senate File No. 292, a bill for an act repealing Section Two Hundred Fifty-four-a-twenty-four (254-a-24) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the commitment and confinement of certain children and the power and authority of courts and magistrates to issue orders of commitment and confinement of certain children and providing that Boards of Supervisors and city authorities shall provide separate rooms, apartments or cells for certain children.

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

By Senator Bruce, Senate File No. 293, a bill for an act requiring that boots and shoes made in certain parts of substitutes for leather, and boots and shoes made by "convict or prison labor" to be stamped, and providing for failure to so stamp.

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

HOUSE MESSAGES CONSIDERED.

Senate File No. 136, a bill for an act making an appropriation to defray the expenses of the inaugural ceremonies.

Passed on file.

House File No. 171, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines, as provided by Chapter 223 Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor.

Passed on file.

Senate File No. 72, a bill for an act to amend the law as it appears in Section 4999-a-9 of the Supplement to the Code, 1907, relating to protection against fire and providing means for escape.

Passed on file.

House File No. 159, a bill for an act to repeal Section 1820 of the Code, relating to limitation of actions and enacting a substitute therefor.

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

House File No. 173, a bill for an act to amend Section 1789 of the Code, relating to the assignment of life insurance policies.

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

House File No. 223, a bill for an act to amend Section 1, Chapter 122, of the Laws of the Twenty-ninth General Assembly, relating to the support of the Iowa School for the Deaf at Council Bluffs.

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

Senate Concurrent Resolution, memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor.

Passed on file.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 275, a bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor relating to the use of corporate seals by individuals, firms or corporations and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Corporations.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Corporations.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 282, a bill for an act to legalize the action and proceedings of the board of supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek drainage district No. 1 and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 276, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 220, a bill for an act to regulate the transfer in bulk of stocks of merchandise, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 71, a bill for an act to repeal Section twenty-three hundred and sixty-seven (2367) of the Code defining a lawful fence, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Agriculture.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Agriculture.

Senator Burgess, 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 Senate Joint Resolution No. 2, proposing an amendment to the constitution of the State of Iowa, amendatory of Section one of Article II of said constitution, beg leave to report they have had the same under consideration and return to the Senate without recommendation.

H. C. BURGESS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Constitutional Amendments and Suffrage, to whom was referred Senate File No. 242, a bill for an act to amend Section eleven hundred thirty-one (1131) of the Code, Granting women the right to vote upon certain questions additional to Chapter three (3) of Title VI of the Code, beg leave to report they have had the same under consideration and return to the Senate without recommendation.

H. C. BURGESS,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 294, a bill for an act to amend Section Forty-six Hundred and Twenty-five (4625) of the Code, relating to the statute of frauds.

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

Senator Hunter asked unanimous consent to have House File No. 100, which was returned to the Senate, referred to the Committee on Cities and Towns.

Consent granted.

So the bill was referred to the Committee on Cities and Towns.

REPORT OF COMMITTEE.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 167, a bill for an act making an appropriation for Thomas H. Rattenburg on account of injuries received by him at the State Sanatorium for the Treatment of Tuberculosis, beg leave to report they have

had the same under consideration and recommend the same be amended as follows: By striking in the third line of Section 1, the words and figures Two Thousand Five Hundred Dollars (\$2,500), and insert in lieu thereof the words and figures One Thousand Two Hundred Fifty Dollars (\$1,250), and when so amended the bill do pass.

E. H. Hoyt,
Chairman.

Ordered passed on file.

By request the bill was referred to the Committee on Appropriations.

The President announced as member of the Senate to serve on the Allison Monument Commission, pursuant to Senate File No. 154, Senator Arfst F. Frudden of Dubuque.

THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 115, a bill for an act providing limitations for the commencement of actions relative to real property, additional to Chapter Two (2), Title Eighteen (18), of the Code, but not amendatory thereto, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Sammis moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Sammis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—
46.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Smith of Mitchell—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, Senate File No. 162, a bill for an act amending the law as it appears in Section Thirteen Hundred Sixty-one (1361) and Section Thirteen Hundred Fifty-four (1354) and Section Thirteen Hundred Fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property, was taken up and considered.

Senator Francis moved that the Senate concur in the following House amendments:

Amend by striking out Section Four.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Dowell, Nichols, Smith of Mitchell—5.

So the amendment having received a constitutional majority was declared concurred in.

On motion of Senator Cosson, Senate File No. 105, a bill for an act to amend the law as it appears in Section Five Thousand Twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities

or localities, with report of committee recommending substitute and passage, was taken up, considered and the report of the committee adopted.

Senator Cosson moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Further consideration of the bill was postponed.

On motion of Senator Seeley, Senate File No. 208, a bill for an act to amend Section Eighteen Hundred Fifty-seven (1857) of the Code, relating to the dissolution of savings banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stucklager, Taylor, Van Law, Whipple, White, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, De Armand, Smith of Mitchell, Wilson—5.

Senator Peterson moved to amend the title by striking out the word "Savings" and inserting in lieu thereof the word "State."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Bruce asked unanimous consent to have Senate File No. 130 made a Special Order for 10 o'clock, A. M., tomorrow, March 5th.

Consent granted.

On motion of Senator Cosson, Senate File No. 8, a bill for an act authorizing the Governor to remove officers for misfeasance, malfeasance or nonfeasance in office, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Cosson moved that the substitute be substituted for the original bill.

Carried.

Senator Cosson offered the following amendment and moved its adoption:

I move to amend Section 5 of the substitute for Senate File No. 8 as it appears in the Senate Journal of February 24th, by inserting after the word "nature" in the first line of said section, the words "and triable as an equitable action." And to amend section 8 by striking out the period after the word "hearing" in the third line of said section, and adding thereto the following: "and the necessary and actual expense of his official reporter."; and by inserting after the word "judge" in the fourth line of said section, the words "and official reporter."

Adopted.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend Section 2 by striking out the word "five" from line 2 and inserting therefor the word "fifty."

Senator Gilliland offered the following substitute amendment and moved its adoption:

I move that the bill be amended by inserting the word "seven" instead of the word "five" in line 2 of section 2.

Senator Sammis raised the point of order that the remarks of Senator Clarkson were on the bill and not on the amendment and therefore not in order.

The President ruled the point of order well taken.

The substitute amendment of Senator Gilliland was withdrawn.

The amendment offered by Senator De Armand was withdrawn.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend by striking the word "five" from line 2, section 2, and by inserting therefor the word "ten."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Bruce, Chapman, Clark, De Armand, De Wolf, Foley, Frudden, Gates, Hoyt, McCulloch, McManus, Moon, Parshall, Quigley, Ream, Sammis, Savage, Whipple, White, Whiting, Wilson—22.

The nays were:

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Larrabee, Mattes, Maytag, Nichols, Peterson, Proudfoot, Saunders, Seeley, Smith of Mitchell, Taylor, Van Law—23.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Smith of Des Moines, Stuckslager—4.

So the amendment was lost.

Senator Bruce offered the following amendment and moved its adoption:

I move to amend by striking out Section 2 of the bill and substituting therefor the following:

Section 2. The complaint or petition shall be entitled in the name of the State of Iowa, and may be filed upon the relation of the County Attorney of the County or Attorney-General and shall be filed by the Attorney-General when directed so to do by the Governor.

Senator Saunders moved that the time for adjournment be extended 15 minutes.

Carried.

Further consideration of the bill was postponed.

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

Senator White moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 5, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. De Witt C. Perry of Stanwood, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Sammis indefinitely.

PETITIONS AND MEMORIALS.

Senator Fitchpatrick presented remonstrance from citizens of Story County against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from citizens of Mitchell County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from citizens of Dallas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Cosson presented remonstrance from Modern Woomen Camp No. 9718 of Montieth, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Taylor presented petition from various farmers of the State of Iowa, favoring amendment to House File No. 121, in reference to roads and highways.

Referred to Committee on Highways.

Senator Chapman presented petition from registered pharmacists of the State of Iowa, requesting that the pharmacy laws be so amended as to prohibit the sale of all intoxicating liquors by druggists of the State.

Referred to Committee on Pharmacy.

Senator Mattes presented petition of merchants and tax payers of Grand Junction, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Clarkson presented petition from merchants and tax payers of Monroe County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Smith of Des Moines presented remonstrance from Local Union No. 218, Brotherhood of Teamsters, Burlington, Iowa, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator White presented remonstrance from the citizens of Johnson County, against the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator White presented petition from merchants and tax payers of North Liberty, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Gilliland presented petition from citizens and business men of Hastings, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Ways and Means.

Senator Seeley presented petition from merchants and tax payers of Henry County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Savage presented petition from citizens of Madison County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hoyt presented petition from merchants and tax payers of Delphi, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Dowell presented remonstrance from citizens of Des Moines, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from members of the school board and tax payers of Concord Township, Hancock County, against the proposed change in the School Laws.

Referred to Committee on Schools.

Senator Brown presented remonstrance from citizens of Decatur County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented petition from the ladies of Hearthstone Club of Lost Nation, Iowa, favoring the passage of the bill revising the school laws of the state.

Referred to Committee on Schools.

Senator Saunders presented petition from women of Council Bluffs, Iowa, favoring the passage of a bill to strengthen the Child Labor Laws of the State.

Referred to Committee on Judiciary.

Senator Larrabee presented petition from citizens of Webster County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren presented remonstrance from citizens of Van Buren County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented remonstrance from residents of Farmington Township, Van Buren County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Savage presented petition from citizens of Adair County, favoring the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator Foley presented remonstrance from citizens of Floyd County against the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator Bennett presented petition from citizens of Corning, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell offered the following resolution and moved its adoption:

Resolved, That beginning Monday, March 8, 1909, unless otherwise ordered, the Senate shall hold two sessions daily, the forenoon session beginning at 9:00 o'clock and the afternoon session at 1:30 o'clock.

Adopted.

INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 295, a bill for an act with respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes; to provide for the enforcement of the act, and to provide civil and criminal liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited; to repeal and prohibit city and town ordinances on the subject, and to repeal all laws in conflict with this act.

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

By Senator Allen of Van Buren, Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the Board of Directors of the independent school district of Farmington, in Van Buren County, State of Iowa.

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

By Senator Fitchpatrick, Senate File No. 297, a bill for an act to amend the law as it appears in Section Ten Hundred Ninety (1090) of the Code, relating to the formation of election precincts.

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

By Senator Moon, Senate File No. 298, a bill for an act amending the law as it appears in paragraph 2 of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors.

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

By Senator Peterson, Joint Resolution No. 3, Joint Resolution relative to the appointment of a commission to investigate the natural resources and waterways of the state, defining the duties of such commission and making an appropriation therefor.

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

By Senator White, Senate File No. 299, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Four (2804) of the school laws of the State of Iowa.

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

By Senator Van Law, Senate File No. 300, a bill for an act to amend the law as it appears in sub-division one of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to statement of consent to the sale of intoxicating liquors.

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

REPORTS OF COMMITTEES.

Senator Peterson, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 113, a bill for an act to amend the law as it appears in Sections ten hundred eighty-seven-a-1 (1087-a-1), ten hundred eighty-seven-a-5 (1087-a-5), ten hundred eighty-seven-a-6 (1087-a-6), ten hundred eighty-seven-a-12 (1087-a-12), ten hundred eighty-seven-a-21 (1087-a-21), ten hundred eighty-sevn-a-22 (1087-a-22), ten hundred eighty-seven-a-25 (1087-a-25), ten hundred eighty-seven-a-27 (1087-a-27) of the Supplement to the Code, 1907, and to repeal the law as it appears in Section ten hundred eighty-seven-a-13 (1087-a-13), ten hundred eighty-seven-a-15 (1087-a-15) and ten hundred eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the substitute hereto attached.

A Bill for an Act to Amend the Law as it Appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-24 (1087-a-24), Ten Hundred Eighty-seven-a-25, (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to Repeal the Law as it Appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15) and Ten Hundred Eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and Enact Substitutes Therefor, Relating to the Holding of Primary Elections by Political Parties.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section ten hundred eighty-seven-a-1 (1087-a-1) of the Supplement to the Code, 1907, be amended by striking out of said Section all after the period following the word "provided" in the fourteenth line thereof.

SEC. 2. That the law as it appears in Section ten hundred eighty-seven-a-5 (1087-a-5) of the Supplement to the Code, 1907, be amended by striking out of said Section all after the period following the word "same" in the sixth line of said Setcion and inserting in lieu thereof the following:

"The expenses of said primary election shall be audited by the board of supervisors of each county and paid the same as the expenses of the general election. The compensation of the judges and clerks of the primary election shall be the sum of two dollars each for all official service rendered by any judge or clerk at any such election."

SEC. 3. That the law as it appears in Section ten hundred eighty-seven-a-6 (1087-a-6) of the Supplement to the Code, 1907, be amended by

striking out of said Section the figures, characters and letters in the seventh line thereof, as follows:

"1:00 p. m." and inserting in lieu thereof the following: "9:00 a. m."

SEC. 4. That the law as it appears in Section ten hundred eighty-seven-a-12 (1087-a-12) of the Supplement to the Code, 1907, be amended by striking out of said Section all after the period following the word "nomination" at the end of the seventh line of said Section and inserting in lieu thereof the following:

"The Secretary of State shall determine the order in which the names of all candidates for state offices and for the office of Senator in the Congress of the United States shall be printed upon the primary election ballots of each political party in the following manner, viz: he shall ascertain the aggregate number of votes cast by each political party in each county of the state for the head of the ticket at the last preceding general election; he shall then arrange a list of such counties for each party primary ballot by first placing at the head of such list the county casting the largest party vote, and next on the list the county casting the same or next largest party vote, and so on in such order of arrangement, until all the counties are set down in such list; he shall then certify to the auditor of the county first on the list the names of all the candidates of each political party who have filed nomination papers in his office arranged alphabetically according to surnames on each party ticket under the title of office for which they are candidates; and to the auditor of the second county on the list he shall make the same certificate except that he shall change the order of the names of all the candidates for state offices and for the office of Senator in the congress of the United States, by placing the names of the candidates for such offices appearing at the head of the list in the first county at the bottom of list of candidates in the second county and to the auditor of each succeeding county on the list he shall continue such change and rotation of names in his certificate so that in each succeeding county the name of each candidate under each title of office last appearing at the head of the list of candidates, when more than one, shall be at the bottom of the list in the next county; and the names of such candidates for such offices shall be printed on the primary election ballots in the order so certified without change in each county. The auditor of each county, upon receiving such certificate, shall forthwith prepare in typewriting proof sheets of the primary election ballot for each political party entitled thereto with the names of all the candidates written thereon under the proper title of office as they appear in the certificate of the Secretary of State, the nomination papers and affidavits on file in his office, and mail to each candidate entitled to have his name printed upon the primary ballot, to the postoffice address of such candidate as given in his nomination paper, affidavit, and as certified to him by the Secretary of State, a typewritten copy of that portion of the proof sheets of the primary ballots prepared by him relating to such candidate, and shall correct any errors or omissions brought to his knowledge prior to the printing of the official ballots. Such auditor shall forthwith publish a proclamation of the time of holding the primary election, the hours during which the polls will be open, the offices for which candidates are to be nominated and that the primary election will be held in the reg-

ular polling places in each precinct. Said notice shall be published once each week for two consecutive weeks prior to said primary election in one and not to exceed two newspapers of general circulation in such county. One of such newspapers shall represent the political party which cast the largest vote in such county at the last preceding general election, and the other, if any such there be, that shall represent the political party which cast the next largest vote in such county at said general election."

SEC. 5. That the law as it appears in Section ten hundred eighty-seven-a-13 (1087-a-13) of the Supplement to the Code, 1907, be repealed and the following enacted in lieu thereof:

"The names of the candidates of each political party for nomination to any office to be filled by the vote of the electors of a county, district of more than one county, state, and for the office of Senator in the Congress of the United States, shall be printed on separate ballots or sheets of paper uniform in color, quality, texture and size with the name of the political party printed at the head of said ballots; and other separate ballots shall be printed of like kind and in like manner with the names of the candidates of each political party for nomination to any office to be filled by the vote of the electors of any township or subdivision of a county and with blank spaces for delegates to the county convention and for party committeemen, which ballots shall be prepared by the county auditor in the same manner as for general election, except as hereinafter provided.

The names of the candidates for state offices and for the office of Senator in the Congress of the United States shall be printed on the ballots in the same order as certified to the auditor by the Secretary of State without change in his county; the names of the candidates to be voted for by the electors of a county or district of more than one county shall be arranged alphabetically according to surname under each title of office on the first proof sheets, but such auditor shall cause a change to be made in such first order of arrangement of names in that printing of the ballots as to all candidates to be voted for by the electors of a county or district of more than one county in the following manner, viz: he shall first ascertain the aggregate number of ballots required to be printed in his county for each political party; he shall then divide the aggregate number required for each political party by the numeral figure which will represent the highest number of candidates for any one of such offices on the corresponding primary ballot of each political party and the quotient, discarding fractions, shall represent the number of ballots for each political party that shall be printed without change in the first alphabetical arrangement of the names of the candidates upon the ballots; when the first lot equal to such number are printed the top name last appearing under each title of office on the ballot shall be set at the bottom of the list of candidates, when more than one, under each title of office, and so alternate and rotate on each of such lot of ballots until all are printed; and such auditor shall so distribute the ballots for each election precinct in his county that the name of each candidate on such ballots shall appear first under the title of office for which he is a candidate an equal number of times as nearly as practicable. There shall be no change in the alpha-

betical arrangement of the names of candidates on the separate primary ballots for any township office or office to be voted for by the electors of any subdivision of a county. The two parts or divisions of the primary election ballot of each political party herein provided for shall be treated as one ballot the same as if printed on one sheet of paper, but the facsimile of the auditor's signature shall be placed upon each part of the ballot."

SEC. 6. That the law as it appears in Section ten hundred eighty-seven-a-15 (1087-a-15) of the Supplement to the Code, 1907, be repealed and the following enacted in lieu thereof:

"After the printing of the official ballots the county auditor of each county shall change a sufficient number thereof to supply each voting precinct in the county with six sample ballots of each political party; such auditor shall change the same by writing or stamping the words 'sample ballot' in red ink near the top of each of such ballots and by signing his name or stamping a fac-simile thereof and his title of office immediately thereunder. Such ballots so changed for use as sample ballots shall not be voted, received, or counted at said primary election. The county auditor of each county shall distribute the same with the official ballots and it shall be the duty of the judges of election to see that such sample ballots are posted in the voting booths and about the polling place upon the day of the primary election and before the opening of the polls."

SEC. 7. That the law as it appears in Section ten hundred eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, be repealed and the following enacted in lieu thereof:

"Any candidate, whose name appears upon the official primary ballot of any voting precinct, may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, at the time fixed for canvassing the returns of the judges of election, by filing with the county auditor not later than the day before such meeting, a showing in writing, duly sworn to by such candidate, that fraud was committed, or error or mistake was made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate. The showing must be specific and from it there must appear reasonable ground to believe that a recount of the ballots would produce a result as to his candidacy different from the return made by the judges. If such showing is made to the satisfaction of the board, it shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board shall be final and no other contest of any kind shall be permitted. The term 'candidate' as used in this Section shall include and apply to persons voted for delegates and party committeemen."

SEC. 8. That the law as it appears in Section ten hundred eighty-seven-a-21 (1087-a-21) of the Supplement to the Code, 1907, be amended by adding after the period at the end of said Section the following:

"The published proceedings of the board of supervisors as a canvassing board shall only contain a brief statement of the names of the candidates nominated by the electors of any county or subdivision thereof under the title of the office for which they are nominated and a statement of the title of the county offices, if any, for which no nomination was made by any political party participating in the primary election for the failure of any one of its candidates for any office to receive thirty-five per centum of all the votes cast by the party for such office."

SEC. 9. That the law as it appears in Section ten hundred eighty-seven-a-22 (1087-a-22) of the Supplement to the Code, 1907, be amended by adding after the period at the end of said Section the following:

"The candidate of any party for the office of Senator in the Congress of the United States having received the highest number of votes of his party in the State, shall be the nominee of his party for such office, and the Secretary of State shall certify the result of such primary election to the next convening General Assembly."

SEC. 10. That the law as it appears in Section ten hundred eighty-seven-a-24 (1087-a-24) of the Supplement to the Code, 1907, be amended by striking out of said Section all the words between the period following the word "be" in the fourth line thereof and the period following the word "occurs" in the last printed line of said Section and inserting in lieu thereof and between said periods the following:

"Vacancies occurring after the holding of any primary election in any office to be filled by the vote of the electors of a county, district of more than one county, or state, occasioned by death, withdrawal, change of residence of any candidate or from any other cause arising subsequent thereto and prior to October 1st, next following, shall be filled in the following manner: If an office to be filled by the vote of the electors of a county, it shall be filled by the county convention of delegates elected at the primary election; and if an office to be filled by the vote of the electors of a district of more than one county or the state, it shall be filled by convention of delegates for such district or state as the case may be, selected by the county convention. The necessary conventions for such purpose may be called in the usual manner.

"Any such vacancy occurring after October 1st shall be filled by the party committee for the county, district or state, as the case may be, representing the party in which the vacancy nomination occurs. Vacancies existing after the holding of any primary election in any township office or office to be filled by the vote of the electors of any subdivision of a county of more than one township, may be filled by party caucus or convention of the qualified electors of such party of the township or townships representing the party in which the vacancy exists. All vacancy nominations made as herein provided shall be duly certified to the proper officer by the president and secretary of the convention, committee or caucus as the case may be, forthwith, after the same is made and if received in time the name of such candidates shall be printed upon the official ballots the same as would have been done if such candidate had been nominated at the primary election. Such certificate of nomination shall state the name, place of residence and postoffice address of the candidate nominated,

the office to which he is nominated and the name of the party making the nomination."

SEC. 11. That the law as it appears in Section ten hundred eighty-seven-a-25 (1087-a-25) of the Supplement to the Code, 1907, be amended by striking out the word "third" after the word "the" and before the word "Saturday" in the fifth line of said Section and inserting in lieu thereof the word "fourth;" and by inserting after the period following the word "convention" and before the word "one" in the nineteenth line of said Section the following:

"The term of office of such delegates shall begin on the day following the final canvass of the votes by the board of supervisors, and shall continue for two years and until their successors are elected;" and by striking out the words, "such returns are filed" following the word "after" in the thirty-second line of said Section and inserting in lieu thereof the words, "the final canvass of the votes by the board of supervisors."

SEC. 12. That the law as it appears in Section ten hundred eighty-seven-a-27 (1087-a-27) of the Supplement to the Code, 1907, be amended by striking out the words, "third Thursday" in the third line of said Section and inserting in lieu thereof the words, "first Wednesday;" and by striking out of said Section the words, "fifth Thursday following the primary election" and inserting in lieu thereof the following: "The fifth Wednesday following the county convention."

C. F. PETERSON,
Chairman.

Substitute read first and second time and passed on file.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 131, a bill for an act to repeal Sections two hundred eight (208), two hundred nine (209) and two hundred ten (210) of the Code, relating to the office and duties of the attorney general, and to enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by striking out Section four and Section six, and that Section five be renumbered Section four, and Section seven be renumbered Section five, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 294, a bill for an act to amend Section forty-six hundred and twenty-five (4625) of the Code relating to the statute of frauds, beg

leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 70, a bill for an act to amend Section fifteen hundred and thirty (1530) of the Supplement to the Code, 1907, relating to the county road fund, beg leave to report they have had the same under consideration and recommend the same be referred to the committee on cities and towns.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Cities and Towns.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 205, a bill for an act to amend Section thirty-two hundred seventy (3270) of the Code relating to the disposal of property by will, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding after the figures "2370" in the first line thereof, the words "of the Code."

Amend Section 1 by inserting the word "the" between the words "is" and "parent" in the fourth line thereof, and by inserting the word "surviving" between the words "a" and "child" appearing in the fourth line thereof, and by inserting in the fifth line between the words "children" and "mentally," the words "who at the date of testator's death was."

Amend Section 1 by further adding at the close of said Section the following: "In no event shall the award to any such incapacitated child be in an amount sufficient to deprive any other child to whom a bequest is made of any part of the share to which such child would be entitled without a will," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 284, a bill for an act to amend Section five thousand one hundred and sixty-five (5165) of the Code, relating to the time of commencing criminal actions in certain cases, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 228, a bill for an act to amend the law as it appears in Section three thousand forty-seven (3047) of the Supplement to the Code, 1907, relating to the assignment of open accounts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 227, a bill for an act to amend the law as it appears in Section three thousand and forty-one (3041) of the Code relating to usury, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 248, a bill for an act to repeal paragraph five (5) of Section thirty-six hundred eighty-eight (3688) of the Code and to enact a substitute therefor, relating to challenges for cause, beg leave to report

they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 234, a bill for an act to amend the law as it appears in Section two hundred fifteen (215) of the Code relating to the distribution of the reports of the supreme court, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 274, a bill for an act repealing Section three hundred seventy (370) and three hundred seventy-one (371) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the deposit of funds and moneys or securities by administrators, guardians, trustees, or referees with the county treasurer, belonging to heirs, legatees, devisees, or other persons whose places of residence are unknown, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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. 251, a bill for an act to amend Section 4936 of the Supplement to the Code, 1907, of Iowa, relative to marriage of cousins.

C. R. BENEDICT,
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. 108, a bill for an act to repeal Section 1675 of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to farmers' institutes.

C. R. BENEDICT,
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. 48, a bill for an act to amend the law as it appears in Section 1661-a of the Supplement to the Code, 1907, relative to state aid to county and district fairs.

C. R. BENEDICT,
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. 149, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes, free transportation and discriminating reduced rates to certain persons.

C. R. BENEDICT,
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. 42, a bill for an act requiring all guaranty, fidelity and surety companies doing business in the State of Iowa to deposit with the auditor of state a guarantee fund for the protection of citizens of the state.

C. R. BENEDICT,
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. 36, a bill for an act providing for the establishment of street sprinkling districts in cities and towns, and to levy a tax therein for street sprinkling purposes, additional to Chapter 6, Title 5 of the Code.

C. R. BENEDICT,
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. 109, a bill for an act to repeal Section 1363 of the Code, relating to statistics, and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House names as conference committee on part of House on House File No. 9, a bill for an act to repeal Section 3307 of Supplement to the Code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor: Ripley of Hancock, Lee of Emmet, Balluff of Scott, Sullivan of Polk.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 22, a bill for an act to amend the law as it appears in Section 740 of the Supplement to the Code, 1907, relating to aiding by taxation the maintenance of any institution of learning or benevolence including hospitals acquired by any county, city, town or school corporation by gift or devise.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill by substituting House File No. 257 for Substitute for Senate File No. 101, in which the concurrence of the House was asked, a bill for an act to amend Sections 2232, 2233, 2234, 2241, 2242, 2243, 2244, 2245, 2246, 2248 and 2249 of the Code, relating to care and support of the poor.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEES.

Senator Seeley, 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. 235, a bill for an act to amend Section twenty-five hundred and thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the fish and game warden, beg leave to report they have had the same under consideration and recommend the same do pass.

W. B. SEELEY,
Chairman.

Ordered passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 208, a bill for an act to repeal Sections twenty-five hundred sixty-five (2565), twenty-five hundred sixty-eight (2568) of the Code, and Sections twenty-five hundred seventy-a (2570-a), twenty-five hundred seventy-a-1 (2570-a-1), twenty-five hundred seventy-b (2570-b), twenty-five hundred seventy-one (2571) and twenty-five hundred seventy-two (2572) of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the state board of health and of local boards of health, and to enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By adopting the following substitute:

SENATE SUBSTITUTE FOR HOUSE FILE NO. 208.

A Bill for an act to repeal Section Twenty-five Hundred and Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), and Twenty-five Hundred and Seventy-b (2570-b), of the Supplement to the Code, 1907, relating to the Care of Affected Persons and paying of quarantine expenses.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred and seventy-a-1 (2570-a-1), and twenty-five hundred and seventy-b (2570-b) of the Supplement to the Code, 1907, are hereby repealed and the following enacted in lieu thereof:

SEC. 2. When any person shall be sick or infected with any contagious or infectious disease dangerous to the public health, whether a resident or otherwise, the local board of health, through the mayor or township clerk, shall make such provisions as are best calculated to protect the inhabitants therefrom. But quarantine shall not be established or maintained or fumigation required except in cases of scarlet fever (including scarlet rash or scarletina, small pox, diphtheria (including membranous croup), cholera, yellow fever, leprosy, cerebro-spinal

meningitis, and bubonic plague, and may remove such person to a separate house, a house of detention or hospital. If in the judgment of the local board it shall be deemed unwise to remove such person, he shall be cared for at the place where he resides. In case any person or persons liable for the support of such person under quarantine or restrained under and by virtue of this act, shall be financially unable to secure the proper care, provisions or medical attendance, it shall be the duty of the mayor or township clerk to procure, for such diseased person, proper care, provisions, supplies and medical attendance, while so quarantined or restrained. The local boards of health through a joint meeting of the mayors and township clerks of each county, called in the month of May in each odd numbered year, by the mayor in the county seat, shall adopt a uniform maximum scale of fees to be allowed for services rendered, in said county under the provisions of this section, and no bills allowed for such services chargeable to the public fund under the provisions of this section shall exceed the maximum amount agreed upon in said scale. All bills for supplies furnished by order of the mayor or township clerk as herein provided, for persons removed to a separate house or house of detention or for persons financially unable to provide for their own sustenance and care, shall be allowed and paid for, only on a basis of the local market price for such provisions and supplies in the locality in which they may have been furnished. No bill shall be allowed for commodities furnished to persons quarantined under the provisions of this section which exceeds the actual local market price for the quality of said commodities so furnished. All services and supplies furnished to individuals or families under the provision of this section, must be authorized by the local board of health, or by the mayor or township clerk acting under a standing regulation of said local board, and a written order therefor designating the person or persons employed, to furnish such services or supplies and the price to be paid for the same, issued before said services or supplies were actually furnished, shall be attached to the bill when same is presented for audit and payment. It is further provided that nothing contained in this section shall be construed to prevent any person quarantined, as herein provided, from employing at his own expense the physician or nurse of his choice, nor from providing such supplies and commodities as he may require; but the bills thus incurred by parties in quarantine or through their order without written authority from the local board of health or their authorized official, shall not be certified to or allowed by the local board of health or the county supervisors. No bill shall be allowed or paid, for any expenses incurred for any person during quarantine except in cases removed to a separate house unless it shall be found that such person is financially unable to pay said bill.

Provided that the person receiving such services and supplies be not a legal resident of the county, in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said party claims residence or owns property, and the board of supervisors of such county shall reimburse the county

from which such claim is certified, in the full amount originally paid by it.

If the party for whom said bills were incurred, be a non-resident and does not own real estate in Iowa, the mayor of the town or the clerk of the township shall have a lien upon and may take and retain possession of all baggage, moneys and other personal belongings to or in the possession of the said party, and such property so taken shall not be exempt from attachment or execution to the amount of the said bills and cost of enforcing the lien thereon. Provided that all moneys so collected shall be paid over to the county treasurer to be used to pay the quarantine expenses of said party. All disinfections and fumigations for the protection of the public health shall be done under the direction of the local board of health. All bills and expenses incurred in carrying out the provisions of this section and in establishing, maintaining and raising quarantine and disinfecting premises and effects and furnishing necessary detention hospitals shall be filed with the clerk of the local board of health. This board at its next regular meeting, or a special meeting called for the purpose shall examine and audit same and if found correct and approved certify the same to the county supervisors for payment. The board of supervisors of the county wherein any bills authorized in this section were incurred shall at the time it levies the general taxes, levy on the property of the city, town, or township from which such bills were certified, a sufficient tax to reimburse the county to the extent of one-half the amount paid by it under the provisions of this section. The forcible removal of infected persons as herein provided shall be effected by an application made to any civil magistrate in the manner provided in Section twenty-five hundred and sixty-nine (2569) of the Code for the removal and abatement of nuisances, who shall issue the warrant as directed in such cases to remove such person or persons to the place designated by the local board of health to take possession of the condemned or infected house, lodging, room, premises or effects. The officers designated by said magistrate shall be entitled to receive for such services such reasonable compensation as shall be determined by the local board of health. The amount so determined to be certified to and paid in the same manner as other expenses incurred under the provisions of this section.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published in Des Moines, Polk County, Iowa, and when so amended the bill do pass.

E. W. CLARK,
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. 85, a bill for an act entitled an act relating to hotels, inns

and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 190, a bill for an act to repeal Sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred and seventy-a-1 (2570-a-1), and twenty-five hundred and seventy-b (2570-b) of the Supplement to the Code, 1907, relating to the care of infected persons and payment of quarantine expensess, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred House File No. 153, a bill for an act granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the land of the Iowa School for the Deaf, located near Council Bluffs, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred House File No. 134, a bill for an act to amend Section fifteen hundred sixty-one (1561) of the Code of Iowa, 1897, relating to the erection of guide boards, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing a tax in aid thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 264, a bill for an act to repeal Sections 1403 and 1413 of the Code, and the law as it appears in Section 1540-a of the Supplement to the Code, 1907, relative to the collection of road taxes, and to enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Proudfoot, Senate File No. 301, a bill for an act to amend Section Three Hundred Sixty (360) of the Code, relating to bonds by guarantee companies.

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

By Senator Chapman, Senate File No. 302, a bill for an act to repeal Sections Twenty-three Hundred Eighty-seven (2387), Twenty-three Hundred Eighty-nine (2389), Twenty-three Hundred Ninety-one (2391), Twenty-three Hundred Ninety-four (2394), Twenty-three Hundred Ninety-five (2395), Twenty-three Hundred Ninety-six (2396), Twenty-three Hundred Ninety-seven (2397), Twenty-three Hundred Ninety-eight (2398), and Twenty-three Hundred Ninety-nine (2399), of the Code of 1897, and Sections Twenty-three Hundred Eighty-eight (2388), Twenty-three Hundred Ninety (2390), Twenty-three Hundred Ninety-two (2392), Twenty-three Hundred Ninety-three (2393), Twenty-four Hundred

(2400), and Twenty-four Hundred One (2401) of the Supplement to the Code of 1907, referring to the granting of permits to licensed pharmacists.

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

By Senator De Wolf, Senate File No. 303, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code, 1907, relating to penalty for violation of the pure food law.

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

THIRD READING OF BILLS.

The time having arrived for the Special Order No. 1, Senator Bruce asked unanimous consent that Special Order No. 1, Senate File No. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car, and giving authority to conductors of railway trains to make arrests as peace officers, be postponed, and that the same retain its place on the Calendar.

Consent granted.

Senate resumed consideration of substitute for Senate File No. 8.

Senator Chapman moved the previous question on the amendment offered by Senator Bruce to Section 2.

Carried.

So the previous question was ordered.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Brown, Bruce, De Armand, De Wolf, Foley, Frudden, Gates, Hoyt, McCulloch, McManus, Mattes, Moon, Parshall, Quigley, Ream, Savage, Smith of Des Moines, White, Wilson—19.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Larrabee, Maytag, Nichols, Peterson, Proudfoot, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—28.

Absent or not voting:

Senators Allen of Pocahontas, Sammis—2.

So the amendment was lost.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend Section 5 of the substitute by striking out the word "shall" in line five thereof and inserting in lieu thereof the word "may."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Balkema, Brown, Bruce, Burgess, De Armand, De Wolf, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, McCulloch, McManus, Moon, Parshall, Peterson, Quigley, Ream, Savage, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting, Wilson—28.

The nays were:

Senators Allen of Van Buren, Bennett, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Francis, Larrabee, Mattes, Maytag, Nichols, Proudfoot, Seeley, Smith of Mitchell, Stuckslager—16.

Absent or not voting:

Senators Allen of Pocahontas, Cosson, Hunter, Sammis, Saunders—5.

Adopted.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend Section 1 of the substitute by striking out the words "mayor, police officer, marshal or constable," in lines 1 and 2 of the section.

Also amend Section 1 by striking out the comma after the word "attorney" in line 1 of the section and by inserting in lieu thereof the word "or."

Senator Allen of Van Buren moved the previous question on the amendment.

Carried.

So the previous question was ordered.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Bruce, De Armand, De Wolf, Foley, Frudden, Gates, McManus, Parshall, Quigley, Savage, Smith of Des Moines, White—12.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—34.

Absent or not voting:

Senators Allen of Pocahontas, Sammis, Wilson—3.

The amendment was lost.

Senator Quigley offered the following amendment and moved its adoption:

I move to amend by striking out Section 4 of the bill.

Senator Hammill moved the previous question on the amendment.

Carried.

The amendment was lost.

Senator Adams offered the following amendment and moved its adoption:

I move to amend by striking out the words "neglect or" in part 1 of Section 1.

Senator Van Law offered the following substitute amendment and moved its adoption:

I move as a substitute for the amendment to paragraph 1 of Section 1, the insertion before the word "neglect" the words "wilful or habitual."

The substitute amendment was adopted.

The amendment as amended was adopted.

Senator Ream offered the following amendment and moved its adoption:

I move to amend by adding to Section 7 the following: "If the final termination of such proceeding be favorable to any accused officer, said officer shall be allowed the reasonable and necessary expense he has incurred in making his defense, by the county, if he be a county officer, or by the city or town in which he holds office if he be a mayor, police officer or marshal."

Adopted.

Senator Cosson offered the following amendment and moved its adoption:

I move to amend Section 2 of substitute for Senate File No. 8, by striking out the words "five citizens" in the second line thereof and inserting in lieu thereof the words "ten qualified electors."

Adopted.

Senator Saunders moved that the time for adjournment be extended until the bill under consideration be disposed of, the Journal corrected and the reading of House messages.

Carried.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend by adding to Section 7, the following: "If the action is instituted upon complaint of citizens as herein provided, and if it appears to the court that there was no reasonable cause

for filing the complaint, the costs may be taxed against the complaining parties."

Adopted.

Senator Saunders moved the previous question on the bill.

Carried.

Senator Cosson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—34.

The nays were:

Senators Brown, Bruce, De Armand, De Wolf, Foley, Frudden, Gates, McManus, Parshall, Quigley, Smith of Des Moines, White, Wilson—13.

Absent or not voting:

Senators Allen of Pocahontas, Sammis—2.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Wilson, Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines.

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

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

HOUSE MESSAGES CONSIDERED.

House File No. 251, a bill for an act to amend Section 4936 of the Supplement to the Code, 1907, of Iowa, relative to marriage of cousins.

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

House File No. 108, a bill for an act to repeal Section 1675 of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to Farmers' Institutes.

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

Senate File No. 48, a bill for an act to amend the law as it appears in Section 1661-a of the Supplement to the Code, 1907, relative to state aid to county and district fairs.

Passed on file.

House File No. 149, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes, free transportation and discriminating reduced rates to certain persons.

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

House File No. 42, a bill for an act requiring all guaranty, fidelity and security companies doing business in the State of Iowa, to deposit with the Auditor of State a guaranty fund for the protection of citizens of the state.

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

House File No. 36, a bill for an act providing for the establishment of street sprinkling districts in cities and towns and to levy a tax therein for street sprinkling purposes, additional to Chapter 6, Title 5, of the Code.

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

House File No. 109, a bill for an act to repeal Section 1363 of the Code, relating to statistics and enacting a substitute therefor.

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

House File No. 9, a bill for an act to repeal Section 3307 of the Supplement to the Code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor, and Speaker names as committee on part of the House: Ripley of Hancock, Lee of Emmet, Balluff of Scott, Sullivan of Polk.

Passed on file.

Senate File No. 22, a bill for an act to amend the law as it appears in Section 740 of the Supplement to the Code, 1907, relating to aiding by taxation the maintenance of any institution of learning or benevolence including hospitals acquired by any county, city, town or school corporation by gift or devise.

Passed on file.

House File No. 257, a bill for an act to amend Sections 2232, 2233, 2234, 2241, 2242, 2243, 2244, 2245, 2246, 2248, and 2249, of the Code, relating to the care and support of the poor.

Substitute read first and second time and referred to Committee on Judiciary.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 6, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. James O'May of Creston, Iowa.

On request of Senator Hammill leave of absence was granted Senator De Wolf until Monday morning.

On request of Senator Hammill, leave of absence was granted Senator Van Law until Monday morning.

On request of Senator Whipple, leave of absence was granted Senator Stuckslager for the day.

On request of Senator Hoyt, leave of absence was granted Senator Savage for the day.

On request of Senator Wilson, leave of absence was granted Senator Clark until Monday.

PETITIONS AND MEMORIALS.

Senator Foley presented petition from citizens of Chickasaw County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Cosson presented petition from United Presbyterian Synod of Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Des Moines presented remonstrance from citizens of Des Moines County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented remonstrance from members of school board and tax payers of Ell Township, Hancock County, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Hammill presented petition from Cerro Gordo Merchants Credit Association, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Whiting presented two petitions from citizens of Missouri Valey and Moorehead, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Whiting presented remonstrance from Mineral Springs Camp No. 1183, Modern Woodmen of America, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Bruce presented five remonstrances from citizens of Shelby County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bruce presented remonstrance from citizens of Atlantic, Iowa, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator McCulloch presented two petitions from citizens of Lucas County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Brown presented petition from citizens of Union County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented petition from citizens of Tama County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented petition from citizens of Benton County, favoring an appropriation for the furtherance of agricultural work.

Referred to Committee on Agriculture.

Senator Seeley presented petition from citizens of Hillsboro, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator De Armand presented remonstrance from citizens of Scott County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Bennett presented remonstrance from Board of Supervisors of Adams County, against the proposed changes in the Highway Law, relative to Highway Engineers.

Referred to Committee on Highways.

INTRODUCTION OF BILLS.

By Senator Frudden, Senate File No. 305, a bill for an act to grant and relinquish to the City of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi river, being land of the character described in Section One (1), of Chapter Two Hundred and Twelve (212), of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in Section Twenty-five (25), and Thirty-six (36), Township Eighty-nine (89) North, Range Two (2), east of the 5th principal meridian and authorizing and directing the Governor and the Secretary of State a patent therefor.

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

By Senator Peterson, Senate File No. 306, a bill for an act to amend the law as it appears in Section Four Thousand One Hundred Fourteen (4114) of the Supplement to the Code, 1907, relating to sufficiency of notice of appeal.

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

By Senator Peterson, Senate File No. 307, a bill for an act to amend Section Four Thousand One Hundred Thirty-nine (4139) of the Code, relating to practice in the Supreme Court.

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

By Senator Gilliland, Senate File No. 308, a bill for an act to establish a department of horticulture and forestry.

Read first and second time and referred to Committee on Horticulture and Forestry.

By Senator Chapman, Senate File No. 309, a bill for an act to amend Section Thirty-one Hundred Seventy-two (3172) of the Code, relating to petitions for divorce.

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

By Senator Balkema, Senate File No. 310, a bill for an act to legalize the acts of the Board of Directors of the School Township of Wilson in the County of Osceola and State of Iowa, in authorizing a school house to be built in sub-division Number Four (4) in said School Township and in levying a tax therefor.

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

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 152, a bill for an act creating county agricultural high schools; providing for their management, control and operation, and creating a county board of education for their management, and making provision for the support of said schools, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. E. BRUCE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 243, a bill for an act to amend the law as it appears in Section two thousand three hundred and forty-eight (2348) of the Code,

relating to bounties on wolves, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. E. BRUCE,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Smith of Mitchell, 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. 281, a bill for an act to amend the law as it appears in Section two thousand eight hundred six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "of Iowa" in line 2 of the title; also by inserting the words "Supplement to the" between the words "the" and "Code" in line 2 of the title; also by inserting the figures "1907" after the word "Code" in line 2 of the title, and by inserting a comma after the word "Code" and after the figures "1907."

By inserting the words "the law as it appears in" before the word "Section" in line 1 of Section 1; also by inserting the words "Supplement to the" before the word "Code" in line 2 of Section 1; also by striking out the words "of the State of Iowa" in line 3 of Section 1 and inserting in lieu thereof the figures "1907;" also by inserting a comma after the word "Code" in line 2 of Section 1 and after the figures "1907" in line 3 of Section 1, and when so amended the bill do pass.

JAS. A. SMITH,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred House File No. 37, a bill for an act to repeal Section twenty-four hundred and forty-five (2445) of the Code and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred House File No. 218, a bill for an act to amend Section seven hundred thirty-two (732), Supplement to the Code, 1907, relative to the levying of taxes for public libraries, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,

Chairman.

Ordered passed on file.

Senator Seeley, 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. 97, a bill for an act to amend the law as it appears in Section two hundred and ninety-seven (297) of the Code relating to the compensation of clerks of the district court, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out all after the word "them" in the ninth line of the bill and inserting in lieu thereof: "as additional compensation, all probate fees up to three hundred dollars (\$300), but in no event shall the amount so paid exceed the amount of the fees collected," and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Ordered passed on file.

Senator Peterson, from the Conference Committee on part of the Senate, appointed on Senate File No. 172, submitted the following report:

MR. PRESIDENT—Your conference committee appointed to confer on disagreement arising on the House amendment to Senate File No. 172, a bill for an act to amend Section twenty-six hundred and one (2601) of the Code relating to admission of inmates to the Iowa Soldiers' Home at Marshalltown, beg leave to report that they have held a conference over said matter and that the full conference committee of the Senate and House has agreed upon an amendment to said bill as a substitute for the House amendment to said bill as a substitute for the House amendment and respectfully recommend its adoption. That said amendment agreed upon is in words and figures following, to-wit:

"That Section one (1) of said bill be amended by striking out the last three words of said Section and inserting in lieu thereof the following: a comma and the word 'fathers.'"

C. F. PETERSON,
A. C. SAVAGE,
JOHN F. REAM,

Members on the part of the Senate.

K. J. JOHNSON,
PAUL E. STILLMAN,
W. L. ETTER.

Members on the part of the House.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Cosson, substitute for Senate File No. 105, a bill for an act to amend the law as it appears in Section Five Thousand Twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, was taken up and considered.

Senator Francis offered the following amendment and moved its adoption :

I move to amend by adding after the word "unlawful" in the 18th line of the substitute as printed in the Journal, the following: "but prices made to meet competition in such locality shall not be in violation of this act."

Adopted.

Senator Cosson moved that the rules be suspended, 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 ayes were: .

Senators Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting—32.

The nays were:

Senators Adams, Frudden, McCulloch, Proudfoot, Smith of Mitchell, Wilson—6.

Absent or not voting:

Senators Allen of Pocahontas, Clarkson, De Armand, De Wolf, Gilliland, McManus, Maytag, Sammis, Savage, Stuckslager, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs and Suburban Railway Company, a right of way over and across the land of the Iowa School for the Deaf, located near Council Bluffs, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Saunders offered the following amendment and moved its adoption ;

Amend Section Three by striking out the comma after the word "maintain" in the fourth line of Section 3, and the words "with out expense to the State of Iowa," and the comma following the word "Iowa" in the fifth line of said section.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

Amend Section Nine by inserting after the word "poles" in the fourteenth (14) line of said section the words "erected on the right of way through the State grounds."

Adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, De Wolf, Sammis, Savage, Stuckslager, Van Law—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Gilliland, Senate File No. 282, a bill for an act to legalize the action and proceedings of the Board of Supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek Drainage Dis-

trict No. 1 and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Gilliland moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Pochahontas, Cosson, De Armand, De Wolf. Fitchpatrick, Gates, Sammis, Saunders, Savage, Stuckslager, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, Senate File No. 176, a bill for an act to amend the law as it appears in Section Five Hundred Eighty-six (586) and Section Eight Hundred Ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of cemetery tax, with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Francis moved the adoption of the following amendments:

Amend Section 1 by striking out the word "amend" in the first line thereof, and inserting in lieu thereof the word "that." And by adding after the figures "1907" in the third line thereof the words "be amended."

Amend Section 2 by striking out the word "amend" in the first line thereof, and inserting in lieu thereof the word "that." And by adding after the figures "1907" in the second line thereof the words "be amended."

Amend the bill by striking out all of Section 3.

Adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, De Wolf, Fitchpatrick, McManus, Parshall, Ream, Sammis, Savage, Stuckslager, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 158, a bill for an act to amend Section Three Thousand One Hundred Thirty-eight (3138) of the Supplement to the Code, 1907, relating to the lien and liability of hotel and inn-keepers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—38.

The nays were:

Senator McCulloch—1.

Absent or not voting:

Senators Allen of Pocahontas, De Wolf, Fitchpatrick, Quigley, Ream, Sammis, Savage, Stuckslager, Taylor, Van Law—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 177, a bill for an act to repeal Sections Forty-nine Hundred Seventy-five-d (4975-d), Forty-nine Hundred and Seventy-five-g (4975-g), Forty-nine Hundred Seventy-five-h (4975-h), of the Supplement to the Code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendment:

Strike out the word and figure "Section 2," as the same appear in line 4 of the original bill.

Adopted.

Strike out the word and figure "Section 3" and insert in lieu thereof the word and figure "Section 2."

Adopted.

Strike out the word and figure "Section 4."

Adopted.

Strike out the word and figure "Section 5," and insert in lieu thereof the word and figure "Section 3."

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Foley, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, McManus, Sammis, Savage, Stuckslager, Van Law—11.

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.

House File No. 262, a bill for an act to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering, etc.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 172, a bill for an act to amend Section Twenty-six Hundred One (2601) of the Code, relating to admission of inmates to the Iowa Soldiers' Home, located at Marshalltown, was taken up and considered.

Senator Peterson moved the adoption of the report of the Conference Committee.

Adopted.

Senator Peterson moved to adopt and include in the bill the amendment to the bill as recommended by the Conference Committee on Senate File No. 172, as substitute for House amendment.

On the question, Shall the amendment recommended by the Conference Committee as substituted for House amendment be adopted?

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Gates, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, De Wolf, Fitchpatrick, Frudden, Gilliland, Larrabee, McManus, Parshall, Sammis, Saunders, Savage, Stuckslager, Van Law—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Dowell (by request), Senate File No. 311, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products.

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

Senator Maytag, from the Conference Committee on Senate File No. 44, submitted the following report:

MR. PRESIDENT—Your conference committee to whom was referred Senate File No. 44, a bill for an act making an appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and the railroad commissioners, beg leave to report that they have had the same under consideration and have unanimously agreed to recommend that the bill be further amended by inserting after the word "delivered" in the eighth line of Section 1 of said bill the words "on request."

F. L. MAYTAG,
FREDERIC LARRABEE,
J. A. WHITE,
JOHN F. REAM,
N. BALKEMA,

Conference Committee on part of the Senate.

ERNEST R. MOORE, *
PAUL E. STILLMAN, . . .
N. J. LEE,
W. ANDERSON,
W. D. DODDS,

Conference Committee on part of the House.

Senator Maytag moved the adoption of the report of the Conference Committee.

Adopted.

On motion of Senator Maytag, Senate File No. 44, a bill for an act making appropriation for the purchase of twenty thousand (20,000) of the Railroad Commissioners official maps to be distributed by the members of the General Assembly and the Railroad Commissioners, was taken up and considered.

Senator Maytag moved to adopt the report of the Conference Committee on Senate File No. 44 and also to adopt and include in the bill the amendments to the bill as recommended by said committee.

On the question, "Shall the report of the Conference Committee, including the amendments to the bill as recommended by the Conference Committee be adopted?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Dowell, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Clark, Clarkson, De Wolf, Fitchpatrick, Frudden, McManus, Sammis, Saunders, Savage, Stucklager, Van Law—12.

So the report of the Conference Committee and the amendment recommended having received a constitutional majority was declared adopted.

Senator Maytag moved that the Senate concur in the following House amendment:

HOUSE AMENDMENT.

Amend by striking out the word and figures "sixty (60)" in Section one, line seven, and inserting in lieu thereof the words and figures "seventy-five (75)."

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

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Dowell, Foley, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Clark, Clarkson, De Wolf, Fitchpatrick, Frudden, Gates, McManus, Quigley, Sammis, Saunders, Savage, Stuckslager, Van Law—15.

Adoption of Conference Committee's report.

So the amendments having received a constitutional majority were declared concurred in by the Senate.

INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended.

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

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 224, a bill for an act to amend Section Eleven Hundred Ninety-five (1195) of the Code, relating to officers holding over for any reason, was taken up and considered.

Senator Francis moved the adoption of the following amendment:

I move to amend by striking out the comma after the word "officers" in the third line of the printed bill and substituting a period therefor, and inserting between said period and the quotation marks following the word "officers," the following: "After the adjournment of the Board of Supervisors, such time shall be fixed by the

County Auditor in all cases where such Board, if in session, would have fixed such time."

Adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Cosson, De Armand, Dowell, Foley, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Clark, Clarkson, De Wolf, Fitchpatrick, Frudden, Gates, McManus, Sammis, Saunders, Savage, Stuckslager, Van Law—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Francis (by request), Senate File No. 313, a bill for an act to amend Section Two Thousand and Twenty-eight (2028) of the Code, relating to the establishment of public highways over the lands of others.

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

By Senator Francis, Senate File No. 314, a bill for an act to repeal Sections Twenty-five Hundred and Sixty-three-a (2563-a), Twenty-five Hundred and Sixty-three-b (2563-b) Twenty-five Hundred Sixty-three-c (2563-c), Twenty-five Hundred Sixty-three-d

(2563-d), Twenty-five Hundred Sixty-three-e (2563-e), Twenty-five Hundred Sixty-three-f (2563-f), and Twenty-five Hundred Sixty-three-g (2563-g), Twenty-five Hundred Sixty-three-h (2563-h), of the Supplement to the Code, 1907, and to enact in lieu thereof the following, relating to the protection of game.

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

HOUSE MESSAGE CONSIDERED.

Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the Council of the City of Monticello, Iowa, relating to parking, curbing, guttering, etc.

Passed on file.

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

Senator Smith of Mitchell asked unanimous consent to have printed 150 extra copies of Senate File No. 184.

Consent granted.

Senator De Armand moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 8, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. S. D. McFadden of Des Moines, Iowa.

On request of Senator Gilliland, leave of absence was granted Senator Saunders until Wednesday.

On request of Senator Hoyt, leave of absence was granted Senator Sammis until Thursday.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Proudfoot until tomorrow.

PETITIONS AND MEMORIALS.

Senator Mattes presented petition from business men of Coon Rapids, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Van Buren presented petition from citizens of Fairfield, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from M. E. Church of New Sweden, Jefferson County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from citizens of Farmington, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented remonstrance from School District No. 3, Henry Township, Van Buren County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Allen of Van Buren presented remonstrance from teachers and Board of Directors of Birmingham, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Allen of Van Buren presented petition from business men of Kilbourne, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator McManus presented remonstrance from citizens of Keokuk, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Gilliland presented remonstrance from Green Briar Camp No. 3017 of Silver City, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Whipple presented petition from citizens of Tama County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Whiting presented petition from citizens of Woodbine, Harrison County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McManus presented petition from citizens of Lee County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Larrabee presented petition from citizens of Fort Dodge, Iowa, favoring the commission plan for cities of the second class.

Referred to Committee on Cities and Towns.

Senator Gates presented petition from citizens of Clarksville, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Cosson presented petition from citizens of Dallas County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Hammill presented remonstrance from School Board of Garfield Township, Hancock County, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Hammill presented remonstrance from members of Modern Woodmen of America of Duncan, Hancock County, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator McManus presented remonstrance from ladies of Keokuk, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whipple presented petition from citizens of Benton County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator McManus presented remonstrance from citizens of the city of Keokuk and Lee County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator De Wolf presented petition from citizens of Waterloo, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator McManus presented remonstrance from Keokuk Trades and Labor Assembly, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Frudden, Senate File No. 315, a bill for an act giving to cities and towns, including cities acting under special charters power to provide by ordinance for the trimming of trees along the public streets and sidewalks, and to assess the costs thereof to the owners of the abutting property.

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

By Senator Burgess, Senate File No. 316, a bill for an act to amend Section Twenty-five Hundred and Forty (2540) of the Code, relative to the protection of fish.

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

REPORTS OF COMMITTEES.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. one, a bill for an act to establish an insurance department, providing for an insurance commissioner, and fixing his compensation and term of office, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks, further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by striking out the words "a bill" in the second line thereof.

Amend the title by inserting after the word "Section" in the second line thereof, the words "seventeen hundred and fifty-eight-a" and by enclosing the figures "1758-a" in a parenthesis.

Amend the title by inserting after the word "Section" in the third line thereof the words "seventeen hundred and nine" and by enclosing the figures "1709" in a parenthesis.

Amend the title by inserting after the word "Section" in the eighth line thereof, the words "seventeen hundred and ten" and by enclosing the figures "1710" in a parenthesis.

Amend Section one of the bill by inserting after the word "Section" in the first line, the words "seventeen hundred and fifty-eight-a" and by enclosing in a parenthesis the figures and letter "1758-a."

Amend Section two of the bill by inserting after the word "Section" in the first line, the words "seventeen hundred and nine," and by enclosing the figures "1709" in a parenthesis.

Amend Section two of the bill by adding the letter "s" to the word "bill" in the fifth line.

Amend Section three by inserting after the word "Section" in the first line the words "seventeen hundred and ten" and by inserting the figures "1710" in a parenthesis.

Amend Section three of the bill by striking out the word "is" in the 35th line and by inserting the word "if" in lieu thereof.

Amend the bill by striking out the last four lines thereof, and when so amended the bill do pass.

W. P. WHIPPLE,
Chairman.

Ordered passed on file.

Senator Peterson, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your committee on Elections, to whom was referred House File No. 227, a bill for an act to amend Sections seven hundred forty-one-g (741-g), seven hundred forty-one-m (741-m), seven hundred forty-one-q (741-q), and seven hundred forty-six (746) of the Supplement to the Code, 1907, relating to the submission of questions to voters, beg leave to report they have had the same under consideration and recommend the same do pass.

C. F. PETERSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 84, a bill for an act amending the law as it appears in Sections eleven hundred and fifty (1150), eleven hundred fifty-one (1151), eleven hundred fifty-seven (1157) and eleven hundred sixty-two (1162) of the Code, relating to the canvass of the vote for Senator in the Congress of the United States, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. F. PETERSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred House File No. 83, a bill for an act amending the law as it appears in Sections ten hundred eighty-seven-a-ten (1087-a-10), ten hundred eighty-seven-a-twenty-two (1087-a-22) and ten hundred eighty-seven-a-twenty-seven (1087-a-27) of the 1907 Supplement to the Code, repealing Chapter one (1), acts of the Special Session of the Thirty-second General Assembly and enacting a substitute therefor relating to the nomination of party candidates for the office of Senator in the Congress of the United States, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. F. PETERSON,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 268, a bill for an act amending the law as it appears in Section eleven hundred thirty-seven-a-three (1137-a-3) of the Supplement to the Code, 1907, relating to the filing of statements of receipts and expenditures by chairmen of the state, district and county committees, repealing said Section and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. F. PETERSON,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Bruce, Senate File No. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car, and giving authority to conductors of railway trains to make arrests as peace officers, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Bruce moved that the substitute be substituted for the original bill.

Carried.

Senator Bruce offered the following amendment and moved its adoption:

Amend Section 1 by inserting after the word "beverage" in the second line the following: "to excess or so as to produce intoxication or be or become intoxicated."

Senator Cosson offered the following substitute amendment for the amendment offered by Senator Bruce:

Insert after the word "beverage" in the second line of Section 1, the words, "in the presence of any passenger or passengers."

Senator Frudden offered the following substitute for the substitute amendment:

I move to amend by adding after the word "car" in line two of Section 1 the words, "except in cafe or dining car."

Senator Chapman moved the previous question on the amendments.

Carried.

On the adoption of the substitute for substitute amendment by Senator Frudden, a roll call was demanded.

Those favoring the adoption of the substitute for substitute amendment were:

Senators Adams, Brown, De Armand, De Wolf, Foley, Frudden, McCulloch, McManus, Parshall, Quigley, Smith of Des Moines, Wilson—13.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Ream, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—33.

Absent or not voting:

Senators Proudfoot, Sammis, Saunders—3.

So the substitute for the substitute amendment was lost.

The substitute amendment offered by Senator Cosson was lost.

On the adoption of the amendment offered by Senator Bruce a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Bruce, Clark, De Armand, De Wolf, Foley, Frudden, Parshall, Quigley, Smith of Des Moines, Wilson—11.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Ream, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—35.

Absent or not voting:

Senators Proudfoot, Sammis, Saunders—3.

So the amendment was lost.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 1 of the substitute as printed in the Journal, by inserting after the words "or street car" in the second line the words, "in service."

Adopted.

Senator Chapman moved the previous question on the bill.

Carried.

Senator Bruce moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators De Armand, Frudden, Proudfoot, Quigley, Sammis, Saunders—6.

Senator Van Law offered the following amendment to the title of the bill:

I move to amend the title to substitute for Senate File No. 130, by inserting after the words, "passenger car" in the third line of the title as printed in the Journal, the words "or street car."

Also:

Amend title of said substitute by inserting after the words "passenger car" in the fifth line of the title as printed in the Journal, the words "or street car."

Adopted.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title as amended 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. 2, a bill for an act to repeal Sections 1056-a-17, 1056-a-18 and 1056-a-26 of Chapter 14-c of the Supplement to the Code, 1907, and to enact substitutes therefor, and to amend Sections 1056-a-19, 1056-a-20, 1056-a-24, 1056-a-25, 1056-a-28, 1056-a-32 and 1056-a-39 of Chapter 14-c of the Supplement to the Code, 1907, all relating to the government of certain cities.

C. R. BENEDICT,
Chief Clerk.

INTRODUCTION OF BILLS.

By Committee on Highways, Senate File No. 317, a bill for an act to repeal Sections Fifteen Hundred Seventy-b (1570-b) and Fifteen Hundred Seventy-c (1570-c) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the work-

ing of highways and providing penalties for injury to such highways or the work done thereon.

Read first and second time and placed on Calendar.

THIRD READING OF BILLS.

On motion of Senator Seeley, Senate File No. 61, a bill for an act requiring the teaching of agriculture to be included in the course of study of the State University of Iowa, the State College of Agriculture and Mechanics Arts and the State Normal School for the purpose of preparing teachers of agriculture and domestic science and providing an instructor in agriculture and an instructor in domestic science at the expense of the State in accredited colleges and providing for the teaching of elementary agriculture in the public schools after a specified time and making appropriation therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Seeley moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Adams offered the following amendment and moved its adoption:

Amend by substituting the word "rural" for "ungraded" in line two of Section 2, and the words "village, town or city," for "graded" in line three of Section 2.

Adopted.

Senator Adams offered the following amendment and moved its adoption:

Amend by adding after the word "schools" in line 9 in Section 2, the following: "and any applicant required to pass the aforesaid examinations, shall be permitted to substitute them for the examinations in any two of the following branches, physics, civics, economics or algebra, and the grade of such applicant's certificate shall not be affected thereby.

Provided, further, that nothing in this act shall be so construed as to permit a teacher to teach any branch in which he or she may not have passed the required examination."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by adding at the close of Section 1 the following: "and any student with an ordinary common school education shall be permitted to take such subjects, together with such other subjects taught in said school, as the student may elect."

The amendment was lost.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the word "school" in line 4 the words "and County Normal Institutes."

Amend by striking out the word "and" between the words "arts" and "the" in the third line of Section 1 and insert in lieu thereof a comma.

Adopted.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend the substitute by striking out Section Two (2) of the bill.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators De Wolf, Foley, Parshall, Quigley, Wilson—5.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting—34.

Absent or not voting:

Senators Balkema, Chapman, Gilliland, McManus, Maytag, Proudfoot, Sammis, Saunders, Smith of Mitchell, Taylor—10.

So the amendment was lost.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section 1 by striking out the words "the State University" and the comma (,) following said words.

The amendment was lost.

Senator Allen of Pocahontas moved the previous question on the bill.

Carried.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting—30.

The nays were:

Senators Balkema, Bennett, Brown, Clarkson, Dowell, Gilliland, McCulloch, Parshall, Quigley, Smith of Mitchell, Taylor, Wilson—12.

Absent or not voting:

Senators Balkema, De Wolf, Moon, McManus, Proudfoot, Sammis, Saunders—7.

Senator Van Law offered the following amendment to the title of the bill:

I move to amend the title by striking out the word "and" between the words "arts" and "the" in the third line of the printed Journal and inserting in lieu thereof a comma.

Also:

By inserting after the word "school" in the fourth line of the title as printed in the Journal, the words "and county normal institutes."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended 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 adopted the conference committee report and concurred in substitute amendment as recommended by conference committee:

Senate File No. 172, a bill for an act to amend Section 2601 of the Code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the conference committee report and adopted the amendment as proposed by conference committee on Senate File No. 44, a bill for an act making appropriation for the purchase of 20,000 copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners.

C. R. BENEDICT,
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. 239, a bill for an act to amend Section 2477 of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the bureau of labor statistics.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House names a conference committee on part of the House on House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication: Lee of Emmet, Hanson of Humboldt, Crozier of Marion.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 235, a bill for an act to amend Section Twenty-five Hundred and Thirty-nine (2539) of the Supplement to the Code, 1907, relating to compensation and duties of the fish and game warden, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Dowell, Proudfoot, Quigley, Sammis, Saunders, Taylor, White—7.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Stuckslager, 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. 169, a bill for an act to amend Section thirty-four hundred fifty-six (3456) and additional to Chapter two (2) of Title eighteen (18) of the Code relating to limitations of actions, beg leave to

report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "to amend Section thirty-four hundred fifty-six (3456) and additional to" of the title thereof, and inserting after the word "act" the word "amending."

Also by striking out Section two (2), and when so amended the bill do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred Senate File No. 118, a bill for an act relating to bills of lading, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By inserting after the word "act" in the title thereof, the words "defining and," and when so amended the bill do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town thereunder.

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

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

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M.. President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Clarkson presented petition from residents of Monroe County, asking for the enactment of legislation giving to the negro the same school privileges as are accorded others.

Referred to Committee on Judiciary.

Senator Francis presented petition from citizens of Clay County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Van Buren presented petition from English Lutheran Church of Fairfield, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented remonstrance from citizens of Jefferson County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Brown presented petition from citizens of Union County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Judiciary.

Senator Smith of Mitchell presented petition from citizens of Mitchell County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator De Armand presented remonstrance from citizens of Scott County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hunter presented remonstrance from citizens of Woodbury County, against the passage of Senate File No. 171, relating to supervisors districts.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Francis (by request), Senate File No. 319, a bill for an act authorizing Boards of Supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.

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

By Senator Clarkson (by request), Senate File No. 320, a bill for an act to amend Section 5008 of the Code, relating to the infringement of Civil Rights.

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

HOUSE MESSAGES CONSIDERED.

House File No. 2, a bill for an act to repeal Sections 1056-a-17, 1056-a-18, and 1056-a-26 of Chapter 14-c of the Supplement to the Code, 1907, and to enact substitutes therefor and to amend Sections 1056-a-19, 1056-a-20, 1056-a-21, 1056-a-24, 1056-a-25, 1056-a-28, 1056-a-32, and 1056-a-39 of Chapter 14-c of the Supplement to the Code, 1907, all relating to the government of certain cities.

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

Senate File No. 172, a bill for an act to amend Section 2601 of the Code, relating to admission of inmates to the Iowa Soldiers Home, located at Marshalltown.

Passed on file.

Senate File No. 44, a bill for an act making appropriation for the purchase of 20,000 copies of the Railroad Commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners.

Passed on file.

House File No. 239, a bill for an act to amend Section Twenty-four Hundred Seventy-seven (2447) of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the Bureau of Labor Statistics.

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

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

Passed on file.

REPORTS OF COMMITTEE.

Senator Seeley, 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. 221, a bill for an act to amend Section two hundred and fifty-three (253) of the Supplement to the Code, 1907, relating to the salaries of the judges of district courts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 51, a bill for an act to amend the law as it appears in Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, relating to the compensation of short-hand reporters, beg leave to report they have had the same under consideration and recommend that the substitute herewith attached be adopted in lieu thereof:

SUBSTITUTE FOR SENATE FILE NO. 51.

A Bill for an Act to Amend the Law as it Appears in Section Two Hundred and Fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, Relating to the Compensation of Short-hand Reporters.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the words and figures "six (\$6.00) dollars" in the second line thereof and inserting in lieu thereof the words and figures "eight (\$8.00) dollars" and by striking out the word "six" in the fifteenth line thereof, and inserting in lieu thereof the word "eight;" and that said Section be further amended by adding after the word "reporter" in the fifth line of said Section the words "and his substitute," and when so adopted the bill do pass.

W. B. SEELEY,
Chairman.

Substitute was read first and second time and passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 236, a bill for an act to amend Section 2563-a, 2563-c, 2563-d and 2563-g of the Supplement to the Code, 1907, relating to non-resident hunters' licenses.

C. R. BENEDICT,
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. 221, a bill for an act to amend Section 4253 of the Code relating to the partition of real estate and providing for the leasing of the same.

C. R. BENEDICT,
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. 171, a bill for an act to repeal Sections 4975-d, 4975-g and 4975-h of the Supplement to the Code, 1907, relating to bucket shops and bucket-shopping and to enact substitutes therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Seeley, Senate File No. 111, a bill for an act to amend Section 1385-b of the Supplement to the Code of 1907 and to provide for the assessment of different portions of a tract of real estate when the same has been sold subsequent to the biennial assessment of the same, with report of committee recommending amendments and passage, was taken up, considered, and report of the committee adopted.

Senator Seeley moved the adoption of the following amendments:

By inserting after the word "amend" in line 1 of the title the words "the law as it appears in."

By inserting the words "Thirteen Hundred Eighty-five-b" after the word "Section" in line 1 of the title; also by enclosing in parenthesis the figures "1385-b."

Also by inserting a comma after the word "Code" in line 1 of the title and after the figures "1907" in line 2 of the title; also by striking out the word "of" after the word "Code" in line 1 of the title.

Also by inserting after the word "That" in line 1 of Section 1 the words "the law as it appears in;" also by inserting the words "Thirteen Hundred Eighty-five-b" after the word "Section" in line 1 of Section 1; also by enclosing in parenthesis the figures "1385-b" in line 1 of Section 1.

Also by striking out the word "of" after the word "Supplement" in line 1 of Section 1 and inserting in lieu thereof the word "to;" also by striking out the word "of" after the word "Code" in line 1 of Section 1; also by inserting a comma after the word "Code" in line 1 of Section 1 and after the figures "1907" in line 2 of Section 1.

Also by striking out all after the word "by" in line 20 and inserting in lieu thereof the words "the funds which are affected by said re-assessment and the proceedings to be reported to the Board of Supervisors."

Adopted.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, Mattes, Moon, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White—25.

The nays were:

Senators De Wolf, Foley, Hammill, Quigley—4.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Chapman, Clarkson, Cosson, De Armand, Dowell, Larrabee, McManus, Maytag, Nichols, Parshall, Proudfoot, Sammis, Saunders, Stuckslager, Taylor, Van Law, Whiting, Wilson—20.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator Clark, Senate File No. 123, a bill for an act to amend Section Twenty-five Hundred and Seventy-six (2576) of the Supplement to the Code of Iowa, relating to the Board of Medical Examiners, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Clark moved the adoption of the following amendments:

By striking out, in the title, after the word "Code" in the second line, the words "of Iowa," and inserting in lieu thereof the figures "1907"; and by striking out, in Section 1, after the word "Code" in the second line, the words "of Iowa," and inserting in lieu thereof the figures "1907."

Adopted.

Senator Clark moved the adoption of the following amendment:

I move to amend by striking out the word "fourteen" in line three of the bill and inserting the word "thirteen" in lieu thereof.

Adopted.

Senator Allen of Van Buren offered the following amendment and moved its adoption:

I move to amend by striking out the word "twenty" in the last line of Section 1 and inserting the word "fifteen" in lieu thereof.

The amendment was lost.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Bennett, Burgess, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Mattes, Nichols, Seeley, Smith of Mitchell, White—14.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Bruce, Gates, Gilliland, Hammill, Hunter, Moon, Peterson, Ream, Savage, Taylor, Whipple—15.

Absent or not voting:

Senators Balkema, Chapman, Cosson, Dowell, Francis, Hoyt, Larrabee, McCulloch, McManus, Maytag, Parshall, Proudfoot, Quigley, Sammis, Saunders, Smith of Des Moines, Stuckslager, Van Law, Whiting, Wilson—20.

So the bill having failed to receive a constitutional majority was declared lost.

Senators De Wolf and Hammill filed the following motion:

We move to reconsider the vote by which Senate File No. 111 was defeated and also the vote by which the bill passed to its third reading.

DE WOLF.

HAMMILL.

On motion of Senator Clarkson, House File No. 98, a bill for an act to repeal the law as it now appears in Section Three Hundred Thirty-seven-d (337-d) of the Supplement to the Code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Clarkson moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, McCulloch, Mattes, Maytag, Nichols, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White—31.

The nays were:

None.

Absent or not voting:

Senators Brown, Clark, Cosson, De Armand, Dowell, Hammill, Hunter, Larrabee, McManus, Moon, Parshall, Proudfoot, Quigley, Sammis, Saunders, Stuckslager, Whiting, Wilson—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Bennett asked unanimous consent to have House File No. 5 made a Special Order for tomorrow morning at 9:30 o'clock.

Consent granted.

Senator Whipple asked unanimous consent to have Senate File No. 198 made a Special Order for Wednesday at 10:00 o'clock, A. M.

Consent granted.

On motion of Senator Bruce, Senate File No. 276, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Bruce moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Cosson, De Armand, De Wolf, McCulloch, Parshall, Proudfoot, Sammis, Saunders, White, Whiting—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Wilson, Senate File No. 137, a bill for an act to amend Section One Thousand Four Hundred and Sixty-seven (1467) of the Code, relative to assessment and collection of col-

lateral inheritance tax, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Wilson moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Wilson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Adams, Cosson, De Armand, Parshall, Proudfoot, Sammis, Saunders, Whiting—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Burgess, Senate File No. 72, a bill for an act requiring the entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, seminaries, colleges and public school houses to open outward, was taken up and considered, and the report of the committee adopted.

Senator Burgess moved that the Senate concur in the following House amendment:

Amend by inserting in line 2 of the title, after the figure "nine" (9) and before the word "of" the following figures in brackets "4999-a-9."

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

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—35.

The nays were:

Senators Brown, McCulloch—2.

Absent or not voting:

Senators Adams, Balkema, Clarkson, Cosson, Hammill, Moon, Parshall, Proudfoot, Sammis, Saunders, Taylor, Whiting—12.

So the amendment having received a constitutional majority was declared concurred in.

Senator Stuckslager moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 9, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. H. J. Hinman of Cresco, Iowa.

On request of Senator Chapman, leave of absence was granted Senator Francis for the day.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren presented remonstrance from citizens of Libertyville, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from M. E. Church of Keosauqua, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented remonstrance from Independent School District of Harmony, Van Buren County, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Cosson presented remonstrance from citizens of Audubon County, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from citizens of Dallas County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Larrabee presented petition from citizens of Calhoun County, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Larrabee presented petition from citizens of Webster County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

HOUSE MESSAGES CONSIDERED.

House File No. 177, a bill for an act to repeal Sections Forty-nine Hundred Seventy-five-d (4975-d), Forty-nine Hundred and Seventy-five-g (4975-g), Forty-nine Hundred Seventy-five-h (4975-h), of the Supplement to the Code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor.

Passed on file.

House File No. 221, a bill for an act to amend Section Four Thousand Two Hundred Fifty-three (4253) of the Code, relating to leasing real estate partitions for sale.

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

House File No. 236, a bill for an act to amend Sections Two Thousand Five Hundred Sixty-three-a (2563-a), Two Thousand Five Hundred Sixty-three-c (2563-c), Two Thousand Five Hundred Sixty-three-d (2563-d) and Two Thousand Five Hundred Sixty-three-g (2563-g) of the Supplement to the Code, 1907, relating to non-resident hunters' license.

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

REPORTS OF COMMITTEES.

Senator Gilliland, 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. 177, a bill for an act requiring the partial inclosure of platforms on street cars, beg leave to report they have had the

same under consideration and recommend the adoption of the following substitute therefor and that the substitute be recommended for passage.

A Bill for an Act Requiring Persons, Partnerships or Corporations Owning or Operating Street-car Systems to Provide Transparent Shields for the Platforms of Certain Street Cars and Providing a Penalty for the Violation of the Requirements Hereof.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That on and after the first day of October, 1909, every person, partnership or corporation owning or operating street railways in this state shall provide and maintain upon all motor cars, except trailers, used for the transportation of passengers, not now by law required to carry an enclosed vestibule, a transparent shield extending the full width of each car and constructed in such manner as will afford protection to the motorman and passengers on the platform of such motor car from inclement weather.

SEC. 2. Failure to comply with the terms of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) and each day during which any car shall be operated in violation of this act shall constitute a separate offense.

SHIRLEY GILLILLAND,

Chairman.

Substitute was read first and second time and passed on file.

Senator Larrabee, from the Committee on Printing, submitted the following report:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 241, a bill for an act to amend Section 47 of the Code, relative to compensation of newspapers for the publication of laws, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

FREDERIC LARRABEE,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Cosson asked unanimous consent to have Senate File No. 242, made a Special Order for Thursday at 10:00 o'clock, A. M.

Consent granted.

Senator Savage moved that the House be requested to return to the Senate, Senate File No. 141.

Carried.

THIRD READING OF BILLS.

On motion of Senator Hammill, Senate File No. 111, a bill for an act to amend Section 1385-b of the Supplement to the Code of 1907, and to provide for the assessment of different portions of a tract of real estate when the same has been sold subsequent to the biennial assessment of the same, was taken up and considered.

The motion of Senators De Wolf and Hammill to reconsider the vote by which the bill failed of passage and the vote by which the bill passed to its third reading, prevailed.

Senator Hammill offered the following amendment and moved its adoption, amend by striking out all of Section 1 after the word following in the third line and insert in lieu thereof the following:

When any portion of a tract of land which has been assessed shall be sold subsequent to such assessment, the auditor shall have the power and it shall be his duty upon application of any person interested to apportion the tax so assessed by determining what portion thereof shall be a lien against each portion of the said tract.

But before doing so he shall notify by registered letter all persons, firms, administrators or corporations in whose names any portion of the said tract is owned as shown by the records in his office, to appear before him at a time fixed in the said notice and not less than ten days from the date of mailing of the same, at which time and place they may appear and be heard, and should such party or parties feel aggrieved at the action of said auditor he shall have the right of appeal therefrom to the district court. And if such assessment is made after the books have passed into the hands of the treasurer, it shall be the duty of the auditor to report the assessment of the various portions of said tract to the treasurer, who shall enter such valuation with the tax listed against the same upon the books and proceed to collect the same in the manner now provided by law.

Adopted.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Peterson,

Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Brown, Foley, Francis, Maytag, Parshall, Sammis, Saunders, Stuckslager, Wilson—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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. 138, a bill for an act to provide for feeble-minded men at Glenwood and the maintenance therefor, amendatory of Chapter seven (7), Title thirteen (13) of the Code relating to the institution for feeble-minded children.

C. R. BENEDICT,
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. 12, a bill for an act providing for the guardianship of the estates of absentees, additional to Chapter 5, Title 16 of the Code.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 7, a bill for an act to repeal Sections 499 and 502 of the Code, relating to the duties and powers of the Sheriff and his deputy and to provide for the payment of certain expenses and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 6, a bill for an act to repeal Sections 301, 302, 306 and 307, relating to the duties of the county attorney, and to enact substitutes therefor.

C. R. BENEDICT,
Chief Clerk.

The time having arrived for the Special Order No. 1, on motion of Senator Bennett, House File No. 5, a bill for an act to amend the law as it appears in Section Fifteen Hundred Thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Larrabee offered the following amendments and moved their adoption:

I move to amend by striking out the words "sixty-five" in line six of Section 1 and inserting in lieu thereof the words "seventy-five"; also by striking out the words "seventy-five" in the third line of Section 4, and inserting in lieu thereof the word "fifty."

Senator Van Law offered the following substitute amendment and moved its adoption:

I move to amend the substitute by striking therefrom Sections Four (4) and Five (5).

Senator McManus moved that the further consideration of the bill be postponed.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Clarkson, De Armand, Frudden, Gilliland, Hammill, Larrabee, McManus, Smith of Des Moines, Van Law, Whipple—10.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Gates, Hoyt, Hunter, McCulloch, Mattes, Moon, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Mitchell, Taylor, White, Whiting, Wilson—28.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Bruce, Foley, Francis, Maytag, Nichols, Parshall, Sammis, Saunders, Stuckslager—11.

So the motion was lost.

Senator Bruce offered the following amendment as a substitute for all pending amendments and as a substitute for Sections 4 and 5, the following:

In choice of persons to do any work on the roads, preference shall be given, other things being equal, to the occupants of the land abutting the road or adjacent thereto at the point where the work is to be done, but if more than one occupant, the trustees may decide to which preference shall be given.

Senator Chapman moved the previous question on the amendments.

Carried.

On the adoption of the substitute amendment offered by Senator Bruce, a roll call was demanded.

Those favoring the substitute amendment were:

Senators Bruce, Cosson, McManus, Nichols, Parshall—5.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—34.

Absent or not voting:

Senators Brown, Foley, Francis, Frudden, Quigley, Sammis, Saunders, Smith of Des Moines, Stuckslager, Taylor—10.

So the substitute amendment was lost.

On the adoption of the substitute amendment offered by Senator Van Law, a roll call was demanded.

Those favoring the adoption of the substitute amendment were:

Senators Allen of Pocahontas, Balkema, Bruce, Clarkson, De Armand, Hammill, Larrabee, McManus, Moon, Nichols, Parshall, Smith of Mitchell, Van Law, Whipple—14.

The nays were:

Senators Adams, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, Mattes, Maytag, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, White, Whiting, Wilson—29.

Absent or not voting:

Senators Brown, Foley, Francis, Quigley, Sammis, Saunders—6.

So the substitute amendment was lost.

Senator Dowell asked unanimous consent to have the amendment offered by Senator Larrabee divided and that the Senate vote on each part separately.

Consent granted.

Senator Larrabee moved the adoption of the following amendment:

I move to amend by striking out the words "sixty-five" in the middle of Section 1 and inserting in lieu thereof the words "seventy-five."

The amendment was lost.

Senator Larrabee moved the adoption of the following amendment:

I move to amend by striking out the words "seventy-five" in the first part of Section 4 and inserting in lieu thereof the words "fifty."

Adopted.

Senator Mattes offered the following amendment and moved its adoption:

Insert after the word "township" in line 6 of Section 1 of substitute bill the words "residing outside of incorporated towns."

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend the substitute by striking out of line 7, Section 1, of the bill as printed in the Journal, the words "or more" and inserting in lieu thereof the words "and not more than four."

The amendment was lost.

Senator McCulloch offered the following amendment and moved its adoption:

I move to amend by changing the words and figures "three dollars (\$3.00)" to the words and figures "two and one-half dollars (\$2.50)" in the last line of Section 1.

The amendment was lost.

Senator Bennett moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Gates, Gilliland, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Quigley, Ream, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—33.

The nays were:

Senators Allen of Pocahontas, Clarkson, De Armand, Frudden, Hammill, Larrabee, McManus, Peterson, Proudfoot—9.

Absent or not voting:

Senators Brown, Foley, Francis, Parshall, Sammis, Saunders, Seeley—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Van Law, Senate File No. 14, a bill for an act to amend the law as it appears in Section 725 of the 1907 Supplement to the Code of Iowa, relative to the regulation of rates and service, and providing for the investigation of gas, water, heat, light or power works or plants, and the operation thereof, and providing for the examination of all books, papers and records kept in connection with the operation of such works or plants for the purpose of regulating and fixing rates and rents for water, gas, heat, light or power, and in regulating and fixing charges for meters and other devices used in connection with such works or plants, with report of committee recommending amendments and indefinite postponement, was taken up and considered.

Senator Gilliland moved that the report of the committee recommending indefinite postponement be adopted.

Senator Van Law moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Whiting presented 13 petitions from citizens of Harrison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hoyt presented petition from residents of Delaware County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Peterson presented petition from residents of Wright and Hamilton Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Bennett presented petition from residents of Taylor County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented petition from residents of Woodbury County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator McManus presented petition from residents of Lee County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Suppression of Intemperance.

Senator De Wolf presented petition from residents of Black-Hawk County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator De Wolf presented petition from citizens of Grundy and Black Hawk Counties, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Stuckslager presented petition from residents of Linn County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Whipple presented petition from residents of Tama and Benton Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Clarkson presented petition from residents of Monroe and Marion Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Adams presented petition from citizens of Fayette County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Gilliland presented petition from citizens of Mills County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Savage presented petition from citizens of Madison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell presented petition from citizens of Winnebago County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Taylor presented petition from citizens of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator McManus presented petition from citizens of Lee County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Cosson presented petition from residents of Guthrie and Dallas Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented petition from residents of Marion and Warren Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator De Armand presented petition from citizens of Scott County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented petition from the German Methodists of Iowa, favoring the re-submission of the constitutional amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Cosson presented petition from Friends Church of Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented petition from citizens of Woodbury County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented petition from citizens of Clinton County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

HOUSE MESSAGES CONSIDERED.

House File No. 12, a bill for an act providing for the guardianship of the estates of absentees, additional to Chapter 5, Title 16, of the Code.

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

House File No. 138, a bill for an act to provide for feeble-minded men at Glenwood and the maintenance thereof, amendatory to Chapter 7, Title 13, of the Code, relating to the institution for Feeble-Minded Children.

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

Substitute for Senate File No. 6, a bill for an act to repeal Sections 301, 302, 306, and 307, relating to the duties of the county attorney and to enact substitutes therefor.

Passed on file.

Senate File No. 7, a bill for an act to repeal Sections 499 and 502 of the Code, relating to the duties and powers of the sheriff and his deputy and to provide for the payment of certain expenses and to enact a substitute therefor.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 321, a bill for an act to prohibit the use of type larger than ten (10) point long or smaller than six (6) point nonpareil in the publication of notices of suicides and prescribing conditions for such publication and providing a penalty for violators thereof.

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

By Senator De Armand, Senate File No. 322, a bill for an act to amend Section Eighteen Hundred Fifty (1850) of the Code, relating to investment of funds of Savings Banks:

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

By Senator McManus, Senate File No. 323, a bill for an act to amend the law as it appears in Section One Thousand Four Hundred Seven of the Code of Iowa of 1897, changing the percentage to be allowed collectors appointed by county treasurers for their service and expenses.

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

By Senator Whipple, Senate File No. 324, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section Three Thousand Two Hundred Sixty-j (3260-j) of Supplement to the Code, 1907.

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

REPORTS OF COMMITTEE.

Senator Francis, 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. 39, a bill for an act to amend Sections 2551 and 2561 of the Code, relative to the protection of game, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred Senate File No. 314, a bill for an act to repeal Sections 2563-a, 2563-b, 2563-c, 2563-d, 2563-e, 2563-f, 2563-g, 2563-h of the Supplement to the Code, 1907 relating to protection of game, beg leave to report they have had the same under consideration and recommend the same do pass.

L. E. FRANCIS,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 14, a bill for an act to amend the law as it appears in Section 725 of the 1907 Supplement to the Code of Iowa, relative to the regulation and rates of service, and providing for the investigation of water, gas, heat, light or power works or plants, and the operation thereof and providing for the examination of all books, papers and records kept in connection with the operation of such works or plants for the purpose of regulating and fixing rates and rents for water, gas, heat, light or power and in regulating and fixing charges for meters and other devices used in connection with such works or plants.

On the adoption of the report of the committee, a roll call was demanded.

Those favoring the adoption of the report of the committee were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, De Armand, De Wolf, Gates, Gilliland, Hoyt, McCulloch, McManus, Mattes, Maytag, Nichols, Proudfoot, Quigley,

Savage, Seeley, Smith of Des Moines, Stuckslager, Whipple, White, Whiting—27.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Clarkson, Cosson, Dowell, Foley, Frudden, Moon, Peterson, Ream, Smith of Mitchell, Taylor, Van Law—13.

Absent or not voting:

Senators Fitchpatrick, Francis, Hammill, Hunter, Larrabee, Parshall, Sammis, Saunders, Wilson—9.

So the report of the committee was adopted and Senate File No. 14 was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 325, a bill for an act to provide for the investigation of water, gas, heat, light or power works or plants, and the operation thereof, to provide for annual reports with reference to the operation thereof, and prescribing the procedure thereof.

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

THIRD READING OF BILLS.

On motion of Senator White, Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator White moved the adoption of the following amendments:

By striking out the words "of Iowa" in line 2 of the title; also by inserting the words "Supplement to the" between the words "the" and "Code" in line two (2) of the title; also by inserting the figures "1907" after the word "Code" in line two (2) of the title, and by inserting a comma after the word "Code" and after the figures "1907." By inserting the words "the law as it appears in" before the word "Section" in line one (1) of Section One (1);

also by inserting the words "Supplement to the" before the word "Code" in line two (2) of Section One (1); also by striking out the words "of the State of Iowa" in line three (3) of Section One (1), and inserting in lieu thereof the figures "1907"; also by inserting a comma after the word "Code" in line two (2) of Section One (1) and after the figures "1907" in line three (3) of Section One (1).

Adopted.

Further consideration of the bill was postponed.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 167, a bill for an act making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the state sanatorium for the treatment of tuberculosis, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 109, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission, and providing additional funds therefor, beg leave to report they have had the same under consideration and recommend that the following be substituted therefor, and that such substitute do pass.

SUBSTITUTE FOR SENATE FILE NO. 109.

A Bill for an Act to Repeal Section Twenty-eight Hundred Eighty-eight-h (2888-h) of the Supplement to the Code of 1907, Relating to the Library Commission and the Free Public School Libraries and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of Iowa:

SECTION 1. That Section twenty-eight hundred eighty-eight-h (2888-h) of the Supplement to the Code of 1907, be and the same is hereby repealed and the following enacted in lieu thereof: No member of the commission shall ever receive any compensation for service as a member, but the traveling expenses for members in attending meetings of the commission or in visiting or establishing libraries; and other incidental and necessary

expenses connected with the work of the commission, shall be paid, including the necessary expense in the maintenance and extension of the traveling library system, provided that the whole amount of said expense and salaries shall not exceed the sum of ten thousand dollars (\$10,000.00) in any one year, not more than six thousand dollars (\$6,000.00) of said sum to be used in the payment of salaries and expenses of the commission and secretary. All bills incurred by the commission or by its members under the law shall be certified by the president and secretary of the commission to the state auditor, who shall issue warrants therefor upon the state treasury, and there is hereby annually appropriated the sum of ten thousand dollars (\$10,000.00) to carry into effect the provisions of this act, and any balance not expended in any one year may be added by the commission to the expenditure for any ensuing year. All accounts and bills for expenses of the secretary and members of the commission and all bills for expenditures by the commission, shall be itemized and verified, and be audited and allowed by the executive council before being paid.

F. L. MAYTAG,

Chairman.

Ordered passed on file.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 143, a bill for an act to amend Section twenty-five hundred and seventy-five (2575) of the Code relative to the appropriation to the State Board of Health, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out in the last line of Section 1 the word "twelve" and insert in lieu thereof the word "nine," and when so amended the bill do pass.

F. L. MAYTAG,

Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Gilliland, House File No. 134, a bill for an act to amend Section Fifteen Hundred Sixty-one (1561) of the Code of Iowa, 1897, relating to the erection of guide boards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland offered the following amendments and moved their adoption:

I move to strike from the title of the bill the words "of Iowa, 1907," and from line 1 of Section 1, the words "of Iowa, 1897."

Adopted.

The bill was read for information.

Senator Gilliland moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators De Wolf, Dowell, Francis, McManus, Nichols, Parshall, Quigley, Sammis, Saunders, Smith of Mitchell, White—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Hunter, Senate File No. 205, a bill for an act to amend Section Thirty-two Hundred Seventy (3270) of the Code, relating to the disposal of property by will, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Hunter moved the adoption of the following amendments:

Amend Section 1 by adding after the figures "2370" in the first line thereof, the words "of the Code."

Amend Section 1 by inserting the word "the" between the words "is" and "parent" in the fourth line thereof, and by inserting the word "surviving" between the words "a" and "child" appearing in the fourth line thereof, and by inserting in the fifth line between the words "children" and "mentally," the words "who at the date of testator's death was."

Amend Section 1 by further adding at the close of said Section the following: "In no event shall the award to any such incapacitated child be in an amount sufficient to deprive any other child to whom a bequest is made of any part of the share to which such child would be entitled without a will."

Adopted.

The bill as amended was read for information.

Senator Allen of Van Buren moved that the bill be re-referred to the Committee on Judiciary.

Carried.

So the bill was referred to the Committee on Judiciary.

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

Senator Smith of Des Moines moved that the Senate do now adjourn.

Senator Allen of Pocahontas moved as a substitute that the Senate adjourn at 4:30 o'clock.

The substitute was lost.

The motion to adjourn carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 10, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. L. F. Troutman of Anthon, Iowa.

PETITIONS AND MEMORIALS.

Senator Allen of Pocahontas presented remonstrance from citizens of Buena Vista County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented petition from merchants and tax payers of Storm Lake, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Pocahontas presented petition from business men of Humboldt, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Pocahontas presented remonstrance from citizens of Humboldt County, against the passage of the Sunday Observance Bill.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented remonstrance from Bradgate Camp Modern Woodmen of America, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Moon presented petition from citizens of Wapello County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Des Moines presented petition from citizens of Des Moines County, favoring the passage of the bill for the protection of game.

Referred to Committee on Fish and Game.

Senator Brown presented petition from citizens of Ringgold County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Stuckslager presented petition from citizens of Mount Vernon, Iowa, favoring the passage of the proposed School Bill.

Referred to Committee on Schools.

Senator Wilson presented petition from citizens of Clinton County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Larrabee presented petition from citizens of Webster County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Francis presented petition from citizens of Emmet County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Brown presented remonstrance from voters of Benton Township, Ringgold County, against the passage of the proposed School Bill.

Referred to Committee on Schools.

Senator Stuckslager presented remonstrance from residents of Kline Independent School District of Linn County, against the passage of the proposed School Bill.

Referred to Committee on Schools.

Senator Francis presented petition from citizens of Kossuth County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Francis presented petition from citizens of Palo Alto County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren presented 18 petitions from citizens of Van Buren County, aggregating 297 names, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Van Buren presented 42 petitions from citizens of Jefferson County aggregating 587 names, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Taylor, Senate File No. 326, a bill for an act to amend the law as it appears in Section Sixteen (16) of Section Six Hundred Sixty-eight (668) of the Supplement to the Code, 1907, in relation to the time of making appropriation by the city council.

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

By Senator Seeley, Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

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

By Senator Adams, Senate File No. 328, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred Thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the railroad commissioners.

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

By Senator Smith of Mitchell, Senate File No. 329, a bill for an act to amend Section Thirteen Hundred and Twelve (1312) of the Code, relating to the listing of property for taxation by persons acting in a fiduciary capacity.

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

By Senator Allen of Van Buren, Senate File No. 330, a bill for an act to amend Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to the sale of intoxicating liquors.

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

REPORT OF COMMITTEE.

Senator Proudfoot, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Educational Institutions, to whom was referred Senate File No. 237, a bill for an act to provide terms and qualifications for admission to the collegiate department of the State University of Iowa, the State College of Agriculture and Mechanics Arts at Ames, and the State Normal School at Cedar Falls, and repealing parts of acts in conflict therewith, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

A. V. PROUDFOOT,

Chairman.

Ordered passed on file.

Senator Van Law asked unanimous consent to have Senate File No. 237 printed in the Journal and placed on the Calendar.

Consent granted.

SENATE FILE NO. 237.

A Bill for an Act to Provide Terms and Qualifications for Admission to the Collegiate Department of the State University of Iowa, the State College of Agriculture and Mechanic Arts at Ames, and the State Normal School at Cedar Falls, and Repealing Parts of Acts in Conflict Therewith.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That all residents of the State of Iowa, over the age of sixteen (16) years, and under the age of thirty (30) years shall be admitted

to all the privileges and advantages of the various classes of the collegiate department of the State University of Iowa, the State College of Agriculture and Mechanic Arts at Ames, and the State Normal School at Cedar Falls, without the payment of tuition; provided, that each applicant for admission therein shall possess such scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted and established by the governing board of each of said institutions of learning; and provided further, that this act shall not be construed to prevent the governing board of each of said institutions of learning from collecting the actual and necessary expenses for supplies furnished students in the laboratories thereof.

SEC. 2. All parts of acts in conflict with the provisions of this act are hereby repealed.

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Peterson moved that the substitute be substituted for the original bill.

Carried.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend Section 2 of the substitute by striking out all after the period following the word "election" in eighth line as printed in the Journal.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Section Three of the substitute by adding to said Section Three the following:

That the law as it appears in Section Ten Hundred Eighty-seven-a-6 (1087-a-6) of the Supplement to the Code, 1907, is hereby amended by striking from the sixth line of said section the words "8:00 P. M." and inserting in lieu thereof the words "7:00 P. M."

Adopted.

Further consideration of the bill was postponed.

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. 44, a bill for an act to provide that any fiduciary required by law to give a bond may include the expense thereof as part of the lawful expenses of executing his trust.

C. R. BENEDICT,
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. 243, a bill for an act to legalize ordinances number 38 and 39 establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek County, Iowa.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 96, a bill for an act to amend Section 1407 of the Supplement to the Code, 1907, relating to the collection of delinquent personal property tax.

C. R. BENEDICT,
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. 191, a bill for an act to amend the law as it appears in Section 2477-d, Supplement to the Code, 1907, relating to authority of of-

ficers to demand proof of age of children employed and defining what said proof shall be.

C. R. BENEDICT,
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. 261, a bill for an act to legalize the special election held in the city of New Hampton, Iowa, on the 5th day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of \$18,000 for the purpose of erecting a combined water-works, electric light and power plant and water-tower and tank and to validate and legalize the bonds issued in pursuance of said election.

C. R. BENEDICT,
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. 248, a bill for an act to amend Section 5652 of the Code of Iowa relating to hard labor by persons confined in jails.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 94, a bill for an act to appropriate money for the use of the college for the blind at Vinton, Iowa.

C. R. BENEDICT,
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. 274, a bill for an act to amend the law as it appears in Section 4771 of the Code relating to punishment for the crime of assault with intent to inflict great bodily injury.

C. R. BENEDICT,
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 the law as it appears in Sections 4019, 4020 and 4021 of the Code relating to the preference of

debts owing for labor and the filing, allowing and contesting of claims therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

The time having arrived for Special Order No. One, on motion of Senator Whipple, Senate File No. 198, a bill for an act to create a State Board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections Two Thousand Six Hundred Seventeen (2617), Two Thousand Six Hundred Eighteen (2618), Two Thousand Six Hundred Nineteen (2619), Two Thousand Six Hundred Twenty (2620), Two Thousand Six Hundred Thirty-five (2635), Two Thousand Six Hundred Thirty-six (2636), Two Thousand Six Hundred Forty-two (2642), Two Thousand Six Hundred Forty-six (2646), Two Thousand Six Hundred Forty-seven (2647), Two Thousand Six Hundred Fifty (2650), Two Thousand Six Hundred Fifty-one (2651), Two Thousand Six Hundred Fifty-two (2652), Two Thousand Six Hundred Fifty-three (2653), Two Thousand Six Hundred Sixty-eight (2668), Two Thousand Six Hundred Sixty-nine (2669), Two Thousand Six Hundred Seventy (2670), Two Thousand Six Hundred Eighty-one (2681), of the Code and the law as it appears in Sections Two Thousand Seven Hundred Twenty-seven-a-Fifty-three (2727-a-53), Two Thousand Seven Hundred Twenty-seven-a-Fifty-four (2727-a-54), Two Thousand Seven Hundred Twenty-seven-a-Fifty-five (2727-a-55), Two Thousand Seven Hundred Twenty-seven-a-Fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts, and parts of acts, inconsistent with this act, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Whipple moved the adoption of the following amendment, recommended by the Committee on Appropriations:

That the title be amended by striking out the words and figures "two thousand six hundred forty-six (2646)," in the eleventh line, also by striking out the words and figures "two thousand six hundred fifty (2650)," in the twelfth line, and insert after the word "sections" in the eighteenth line the words and figures "two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650)."

That Section 9 be amended by striking out the word "a" in the sixth line of said section and insert the word "each" in lieu thereof.

That Section 10 be amended by striking out the words "expended herein authorized" and insert in lieu thereof the words "expenses of the board and the finance committee, including the salaries and expenses of their assistants" in the last line of said section.

That Section 11 be amended by striking out the word "their" in line seven and inserting the word "his" in lieu thereof; also by striking out the word "his" in the eighth line and insert the word "their" in lieu thereof.

That Section 12 be amended by striking out the word "the" before the word "State" in the sixth line of said Section.

That Section 18 be amended by striking out the word "may" in the sixth line of said Section and insert the word "shall" in lieu thereof.

Section 19 be amended by striking out the word "of" in the last line of said Section and insert the word "for" in lieu thereof.

That Section 20 be amended by striking out the words and figures "two thousand six hundred forty-six (2646)," in the fifth and sixth lines of said section, also the words and figures "two thousand six hundred fifty (2650)," in the seventh line of said section and insert after the word "Sections" in the twelfth line the words and figures "two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650)."

Adopted.

Senator Frudden offered the following amendment and moved its adoption:

"Amend Section 1 of the bill by striking out in line 3 the word "six" and insert in lieu thereof the word "five."

Adopted.

Further consideration of the bill was postponed.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren County, State of Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also: ,

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House Substitute for Substitute to Senate File No. 101, a bill for an act to amend Sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249), two thousand two hundred seventy-one (2271), two thousand two hundred thirty-four (2234), two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) and amendments thereto, of the Code relating to the care and support of the poor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 324, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section three thousand two hundred sixty-j (3260-j) of Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 306, a bill for an act to amend the law as it appears in Section four thousand one hundred fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 307, a bill for an act to amend Section four thousand one hundred thirty-nine (4139) of the Code relating to practice in the supreme

court, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 310, a bill for an act to legalize the acts of the board of directors of the school township of Wilson in the County of Osceola and State of Iowa in authorizing a school-house to be built in subdivision number four (4) in said school township and in levying a tax therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 309, a bill for an act to amend Section thirty-one hundred seventy-two (3172) of the Code relating to petitions for divorce, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 42, a bill for an act requiring all guaranty, fidelity and surety companies doing business in the State of Iowa to deposit with the auditor of state a guarantee fund for the protection of citizens of the state, beg leave to report they have had the same under consideration and recommend the same be referred to the committee on Insurance.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Insurance.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 141, a bill for an act authorizing the Secretary of State to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 320, a bill for an act to amend Section 5008 of the Code, relating to the infringement of civil rights, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend the title by inserting before the figures "5008" appearing in the first line thereof, the words "five thousand and eight," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 301, a bill for an act to amend Section three hundred and sixty (360) of the Code, relating to bonds by guarantee companies, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 269, a bill for an act amending the law as it appears in Section sixteen hundred fifty (1650) of the Code, relating to the reincorporations of the cemetery associations, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking out the period at the end of said Section, and adding thereto the following words: "for the use and benefit of all of the shareholders in the original corporation."

Amend the bill further, by adding thereto the following as Section 2:
"SEC. 2. This act being deemed of immediate importance shall take effect and be in force on and after its publication in the Register and

Leader and Des Moines Capital, newspapers published in Des Moines, Iowa," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 211, a bill for an act to repeal Section thirty-one hundred eighty-one (3181) of the Supplement to the Code, 1907, relating to the right of divorced persons to remarry within one year, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 211.

A Bill for an Act to Repeal Section Thirty-one Hundred Eighty-one (3181) of the Supplement to the Code, 1907, Relating to the Right of Divorced Persons to Remarry Within One Year, and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section thirty-one hundred and eighty-one (3181) of the Supplement to the Code, 1907, be, and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 2. When a divorce is decreed, the guilty party forfeits all rights acquired by the marriage. In every case in which a divorce is decreed, neither party shall marry again or cohabit with another in the relation of husband and wife within this state within one year from and after the date of the filing of said decree, unless provisions to marry be granted by the court in such decree; provided, however, that nothing herein contained shall prevent the persons divorced from marrying each other. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and punished accordingly, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 321, a bill for an act to prohibit the use of type larger than ten (10) point, long primer, or smaller than six (6) point, nonpareil, in the publication of notices of suicides and prescribing conditions for such publication, and providing a penalty for violators thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen in any house, building, or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 188, a bill for an act to amend Section two hundred and twenty-nine (229) of the Code of 1897, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 251, a bill for an act to amend Section four thousand nine hundred and thirty-six (4936) of the Supplement to the Code, 1907, of Iowa, relative to marriage of cousins, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 319, a bill for an act authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding after the word "may" in the first line thereof, the words "under such regulations as they may from time to time prescribe," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 291, a bill for an act to supervise and regulate surety companies and to provide for fair, reasonable and uniform premium rates by such companies, and to prevent rebating and discrimination therein, and providing penalties for violations of this act, beg leave to report they have had the same under consideration and recommend the same be referred to the committee on Insurance.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Insurance.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 256, a bill for an act to amend Section fifteen hundred and seventy (1570) of the Supplement to the Code, 1907, and to provide for the growing of posts, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 245, a bill for an act to amend Section two thousand five hundred eighty-eight (2588) of the Code, relating to the sale of drugs, medicines, poisons, and chemicals and providing for the sale of concentrated lye, potash, and insecticides by persons other than registered pharmacists, beg leave to report they have had the same under consideration and recommend the same to be amended as follows: By adding after the word "potash" in line 6, the words "fly paper"; also by adding after the word "kind" in line 6, the words "if contained in sealed packages"; also adding the words "fly paper" after the word "potash" in line 9, and when so amended the bill do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 1, a bill for an act to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monu-

ment in the cemetery at that place in commemoration of his memory, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 123, a bill for an act to amend Section eight hundred fifty-j (850-j) of the Supplement to the Code, 1907, relating to park districts.

Also:

House File No. 158, a bill for an act to amend Section three thousand one hundred thirty-eight (3138) of the Supplement to the Code, 1907, relating to the lien and liability of hotel and inn-keepers.

Also:

House File No. 171, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided by Chapter 223, Laws of the Thirty-second General Assembly, fixing number of volumes, and making an additional appropriation therefor.

HENRY L. ADAMS,
Chairman Senate Committee

GERRIT KLAY,
Chairman House Committee.

Adopted.

Also:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, House File No. 98, a bill for an act to repeal the law as it now appears in Section three hundred thirty-seven-d (337-d) of the Supplement to the Code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor.

Also:

House File No. 177, a bill for an act to repeal Sections forty-nine hundred seventy-five-d (4975-d), forty-nine hundred seventy-five-g (4975-g) and forty-nine hundred seventy-five-h (4975-h) of the Supplement to the Code, 1907, relating to bucket shops and bucket-shopping, and to enact substitutes therefor.

HENRY L. ADAMS,
Chairman Senate Committee

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your committee on Pharmacy, to whom was referred Senate File No. 103, a bill for an act to amend Section 2594 of the Code relating to the licensing of itinerant vendors of drugs, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend Section one (1) of said bill by striking out the word "five" as it appears in the fourth line thereof, and inserting in lieu thereof the word "two," and when so amended the bill do pass.

GEO. McCULLOCH,

Chairman.

Ordered passed on file.

Senator Nichols asked unanimous consent to have Senate File No. 317 made a Special Order for tomorrow at 9:30 o'clock, A. M.

Consent granted.

Senator Bennett asked unanimous consent to have House File No. 208 re-referred to the Committee on Public Health.

Consent granted.

So the bill was referred to the Committee on Public Health.

Senator Van Law moved that the time for adjournment be extended for the reading of House messages and the correction of the Journal.

Carried.

HOUSE MESSAGES CONSIDERED.

House File No. 44, a bill for an act to provide that any fiduciary required by law to give a bond may include the expense thereof as part of the lawful expenses of executing his trust.

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

House File No. 243, a bill for an act to legalize ordinances numbers 38 and 39, establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek County, Iowa.

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

House File No. 96, a bill for an act to amend section 1407 of the Supplement to the Code, 1907, relating to the collection of delinquent personal property tax.

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

House File No. 191, a bill for an act to amend the law as it appears in section 2477-D, Supplement to the Code, 1907, relating to authority of officers to demand proof of age of children employed and defining what said proof shall be.

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

House File No. 261, a bill for an act to legalize the special election held in the city of New Hampton, Iowa, on the 5th day of February 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of \$18,000 for the purpose of erecting a combined water-works, electric light and power plant and water tower and tank and to validate and legalize the bonds issued in pursuance of said election.

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

House File No. 248, a bill for an act to amend section 5652 of the Code of Iowa, relating to hard labor by persons confined in jails.

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

House File No. 94, a bill for an act to appropriate money for the use of the College for the Blind at Vinton, Iowa.

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

House File No. 274, a bill for an act to amend the law as it appears in section 4771 of the Code, relating to punishment for the crime of assault with intent to inflict great bodily injury.

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

House File No. 132, a bill for an act to amend the law as it appears in sections 4019, 4020 and 4021 of the Code, relating to

the preference of debts owing for labor and filing, allowing and contesting of claims thereof.

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

INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 333, a bill for an act to amend the law as it appears in section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the railroad commissioners.

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

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

Senator De Wolf moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Mattes presented petition from business men of Manning, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

INTRODUCTION OF BILLS.

By Senator Larrabee, Senate File No. 332, a bill for an act to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines, under the supervision of the State Veterinary Surgeon, and make an appropriation therefor.

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

By Senator Clarkson, Senate File No. 333, a bill for an act to amend the law relative to the payment of certain expenses and costs incurred on account of patients committed as inebriates to State hospitals.

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

By Senator Clarkson, Senate File No. 334, a bill for an act to amend Section Thirty-three Hundred and Five (3305), Supplement to the Code, 1907, relative to the time of granting administration.

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

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 198, a bill for an act to create a State Board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections Two Thousand Six Hundred Seventeen (2617), Two Thousand Six Hundred Eighteen (2618), Two Thousand Six Hundred Nineteen (2619), Two Thousand Six Hundred Twenty (2620), Two Thousand Six Hundred Thirty-five (2635), Two Thousand Six Hundred Thirty-six (2636), Two Thousand Six Hundred Forty-two (2642), Two Thousand Six Hundred Forty-six (2646), Two Thousand Six Hundred Forty-seven (2647), Two Thousand Six Hundred Fifty (2650), Two Thousand Six Hundred Fifty-one (2651), Two Thousand Six Hundred Fifty-two (2652), Two Thousand Six Hundred Fifty-three (2653), Two Thousand Six Hundred Sixty-eight (2668), Two Thousand Six Hundred Sixty-nine (2669), Two Thousand Six Hundred Seventy (2670), Two Thousand Six Hundred Eighty-one (2681), of the Code and the law as it appears in Sections Two Thousand Seven Hundred Twenty-seven-a-Fifty-three (2727-a-53), Two Thousand Seven Hundred Twenty-seven-a-Fifty-four (2727-a-54), Two Thousand Seven Hundred Twenty-seven-a-Fifty-five (2727-a-55), Two Thousand Seven Hundred Twenty-seven-a-Fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts, and parts of acts, inconsistent with this act.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend section six (6) of the bill by striking out all of said section down to and including the period after the word "papers" in line five (5) of the printed bill.

And also by striking out all of section six (6) after the period following the word "demanded" in line eight (8) of the printed bill.

Senator Allen of Pocahontas, offered the following substitute for the bil under consideration :

A Bill for an act Creating a Board of Visitors for the Educational Institutions, Providing for the Term of Office, Compensation and Traveling Expenses, Defining the Powers of the Said Board and Repealing the Law as it Appears in Sections 2727-a-53, 2727-a-54, 2727-a-55 and 2727-a-56 of the Supplement to the Code, 1907.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. The Governor shall appoint prior to the adjournment of the Thirty-third General Assembly and with the consent of two-thirds of the members of the Senate in executive session five persons from the state at large who shall constitute a Board of Visitors for the three educational institutions of the state, not over three of whom shall be members of the same political party and shall be selected solely with regard to their qualifications and fitness to discharge the duties of the position. Two of the members of said Board of Visitors shall hold office designated by the Governor for two years, two for four years, and one for six years, subsequent appointments shall be made as above provided and except to fill vacancies shall be for a period of six years.

Sec. 2. The members of the Board of Visitors shall receive the same compensation and traveling expenses as are provided for the Board of Regents of the State University of Iowa.

Sec. 3. The Board shall meet at least three times each year and one of such regular meetings shall be held at each of the three educational institutions. Special meetings may be called by three of the members of the Board at any time during the year but compensation shall not be allowed any member for more than sixty days in any one year.

Sec. 4. The powers of the Board of Visitors shall be only such as are specifically mentioned in this act.

Sec. 5. The Board of Visitors shall investigate thoroughly the reports and doings of the Regents of the State University, the Trustees of the State Normal School and of the State College of Agriculture and Mechanic Arts, and the books and records of the said institutions for the purpose of ascertaining; 1, whether the persons holding positions have faithfully accounted for all the moneys of the state which have been drawn from the state treasury or have come into their hands otherwise; 2, if appropriations have been drawn from the state treasury in accordance with law and so expended; 3, 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.

Sec. 6. The Board shall have power to visit the educational institutions, subpoena and examine witnesses and enforce attendance and to require the production of books, records, papers and memoranda.

Sec. 7. It shall be the duty of said board to investigate the manner in which all contracts for the educational institutions 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, and to report the result of such investigation to the governor with the other reports to be filed with that officer.

Sec. 8. And when any one of the three last above named educational institutions shall ask appropriations for any buildings or betterments said institution or institutions shall first have prepared by the architect estimates of the cost, plans and specifications of said buildings or betterments and submit the same to the said board.

Sec. 9. The Board of Visitors shall have power to visit either of the educational institutions at any and all times.

Sec. 10. Before any department or chair in any of the three educational institutions may be created by the Board of Regents or the Board of Trustees of said institutions an estimate of the cost and the extent of the work to be done in the said new departments shall first be submitted to the Board of Visitors and no such department or chair shall be created without the concurrence of the Board of Visitors.

Sec. 11. It shall be the duty of the Board of Visitors to report to the legislature each year the amount of unnecessary duplicates of work that exists in the several institutions and a statement as to how, in their judgment, such unnecessary duplication can be avoided.

Sec. 12. The Board of Regents of the State University, the Board of Trustees of the State Normal School and the Board of Trustees of the State College of Agriculture and Mechanic Arts shall submit to the Board of Visitors a report of their askings of the legislature and the Board of Visitors shall make careful investigation of the same and make recommendations to the legislature and a report of their findings.

Sec. 13. This act, being deemed of immediate importance, shall take effect and be in force after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines.

Senator Nichols moved the previous question on the substitute.

Carried.

On the adoption of the substitute a roll call was demanded.

Those favoring the adoption of the substitute were:

Senators Allen of Pocahontas, De Wolf, Fitchpatrick, Gates, Gilliland, Moon, Nichols, Van Law, White, Whiting, Wilson—11.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand,

Dowell, Foley, Francis, Frudden, Hammill Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple—38.

Absent or not voting:

None.

So the substitute was lost.

Senator Adams moved the previous question on the amendment offered by Senator De Wolf.

Carried.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen of Pocahontas, De Wolf, Fitchpatrick, Gilliland, Moon, Nichols, Van Law, White, Whiting, Wilson—10.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Foley, Francis, Frudden, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple—37.

Absent or not voting:

Senators Dowell, Gates—2.

So the amendment was lost.

Senator Adams moved the previous question on the bill.

Carried.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple—39.

The nays were:

Senators Allen of Pocahontas, Fitchpatrick, Gilliland, Moon, Nichols, Van Law, White, Whiting, Wilson—9.

Absent or not voting:

Senator De Wolf.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

EXPLANATION OF VOTE.

After carefully watching the workings of our three state educational institutions since voting on a similar bill two years ago, and the use they have made of at least a part of the money appropriated by the Thirty-second General Assembly, I have decided that the interests of the state and said institutions can be best supported by voting for this bill in its revised form, believing that the clipping of a few of the feathers out of their political wings will not seriously affect the efficiency of the work they were organized for, that of educating our young men and women.

W. B. SEELEY.

Senator Smith of Mitchell asked unanimous consent to have House File No. 190 made a Special Order to follow the Special Order on Senate File No. 242, set for tomorrow at 10:00 o'clock, A. M.

Consent granted.

Senator Stuckslager moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 11, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Thomas K. Fisher of Adel, Iowa.

PETITIONS AND MEMORIALS.

Senator Balkema presented petition from residents of Lyon County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented remonstrance from citizens of Carroll County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Cosson presented petition from the Interdenominational Ministers Association of Cass and adjoining Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Savage presented petition from residents of Madison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Stuckslager presented remonstrance from Linden Camp, Modern Woodmen of America of Walker, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Hoyt presented petition from residents of Buchanan County, favoring the passage of the Resident Hunters' License Bill.

Referred to Committee on Fish and Game.

Senator Clarkson presented petition from citizens of Poweshiek County, asking for the repeal of Section 1641-b, Chapter I, Title 9, of the Supplement to the Code, 1907.

Referred to Committee on Corporations.

Senator Hunter presented remonstrance from citizens of Woodbury County, against the passage of Senate File No. 171, relating to supervisors districts.

Referred to Committee on Judiciary.

Senator Wilson presented remonstrance from Tri-City Labor Congress of Clinton and Lyons, Iowa, and Fulton, Illinois, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Wilson presented petition from citizens of Jackson and Clinton Counties, favoring the re-submission of the constitutional amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Chapman presented remonstrance from residents of Farmington Township, Cedar County, against the proposed changes in the School Law.

Referred to Committee on Schools.

Senator Frudden presented remonstrance from City Teachers Association of Dubuque, Iowa, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Proudfoot presented remonstrance from citizens of Warren County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator White presented petition from citizens of Iowa County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented petition from citizens of Dickinson and Kossuth Counties, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Saunders presented two petitions from citizens of Pottawattamie County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Seeley presented two remonstrances from tax payers of Excelsior School District No. 7, New London Township, Henry County, and Independent District No. 5, Canaan Township, Henry County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 335, a bill for an act to amend Section Two Thousand Five Hundred and Forty (2540) of the Supplement to the Code, 1907, relating to the catching and transportation of fish.

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

By Senator Van Law, Senate File No. 336, a bill for an act to appropriate money for the Soldiers' Home at Marshalltown, Iowa.

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

By Senator Ream, Senate File No. 337, a bill for an act to amend Section Six Hundred Thirty-eight (638) of the Code, relative to villages.

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

REPORTS OF COMMITTEE.

Senator Gilliland, 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. 70, a bill for an act to amend Section fifteen hundred and thirty (1530) of the Code, 1907, relating to the county road fund, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing, etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend Section 1 by adding after the words "there may be" in the third line thereof, the following: "and in all such cities having a paid fire department there shall be."

Amend Section 5 by adding after the word "disabled" in the sixth line thereof, the words "as a result of such injury."

Amend Section 4 by striking out the word "semi-annually" in the 17th line and insert in lieu thereof the word "monthly," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

Senate resumed consideration of substitute for Senate File No. 113, a bill for an act to amend the law as it Appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-

seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend Section 2, by striking out the words beginning with "and" in line 7 and ending with the word "election" in following line.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Bruce, De Armand, McManus, Saunders, Stuckslager, Wilson—6.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clarkson, Cosson, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting—35.

Absent or not voting:

Senators Adams, Brown, Clark, De Wolf, Dowell, Gilliland, McCulloch, Ream—8.

So the amendment was lost.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dow-

ell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Seeley, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

Senators Adams, Bennett, Brown, De Armand, Gilliland, Hoyt, McCulloch, Saunders, Savage, Stuckslager—10.

Absent or not voting:

Senators McManus, Smith of Des Moines—2.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 75, a bill for an act to repeal Sections sixteen (16), seventeen (17) and twenty (20) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on page four (4) of the Prefix to the Code, and enact substitutes therefor; to repeal Sections eighteen (18) and nineteen (19) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter one (1) of the Acts of the Thirty-first General Assembly, and as same appear on page five (5) of the Prefix to the Supplement to the Code, 1907, and enact substitutes therefor; and to repeal Sections forty-two (42), forty-three (43), forty-four (44) forty-five (45) and forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws.

Also:

Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 162, a bill for an act amending the law as it appears in Section thirteen hundred sixty-one (1361) of the Supplement to the Code, 1907, and Section thirteen hundred fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 75, a bill for an act to repeal Sections sixteen (16), seventeen (17) and twenty (20) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appears on page four (4) of the Prefix to the Code, and enact substitutes therefor; to repeal Sections eighteen (18) and nineteen (19) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter one (1) of the Acts of the Thirty-first General Assembly, and as same appear on page five (5) of the Prefix to the Supplement to the Code, 1907, and enact substitutes therefor; and to repeal Sections forty-two (42), forty-three (43), forty-four (44) forty-five (45) and forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws.

Also:

Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 162, a bill for an act amending the law as it appears in Section thirteen hundred sixty-one (1361) of the Supplement to the Code, 1907, and Section thirteen hundred fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 48, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty-one-a (1661-a) of the Supplement to the Code, 1907, relative to state aid to county and district fairs.

Also :

Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 48, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty-one-a (1661-a) of the Supplement to the Code, 1907, relative to state aid to county and district fairs.

Also :

Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the 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 making appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners.

Also :

Senate File No. 72, a bill for an act to amend the law as it appears in Section forty-nine hundred ninety-nine-a-9 (4999-a-9) of the Supplement to the Code, 1907, relating to protection against fire and providing means for escape.

Also :

Senate File No. 172, a bill for an act to amend Section twenty-six hundred and one (2601) of the Code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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 making appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners.

Also :

Senate File No. 72, a bill for an act to amend the law as it appears in Section forty-nine hundred ninety-nine-a-9 (4999-a-9) of the Supplement to the Code, 1907, relating to protection against fire and providing means for escape.

Also :

Senate File No. 172, a bill for an act to amend Section twenty-six hundred and one (2601) of the Code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

The time having arrived for the Special Order No. 1, Senate File No. 317, a bill for an act to repeal Sections Fifteen Hundred Seventy-c (1570-c), of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the working of highways, and providing penalties for injury to such highways or the work done thereon, was taken up and considered.

Senator Nichols offered the following amendment and moved its adoption :

I move to amend by striking out the second line of Section 2, after the word dragged the word "and."

Adopted.

Senator Nichols offered the following amendment and moved its adoption:

Amend by striking out the last sentence of Section 2 and inserting in lieu thereof the following: "not less than forty per cent of the road tax collected under the road levy made by the township trustees, land abutting the road or adjacent thereto, shall be worked on said road if needed on the same."

Adopted.

Senator Smith of Mitchell offered the following amendments, and moved their adoption.

I move to amend by striking out the word and figures "Section 2" and also by renumbering Sections 3, 4, 5, 6, 7 and 8, as "Sections 2, 3, 4, 5, 6 and 7."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by adding after the period (.) following the word "dragging" in line four (4) of Section Two (2), of the printed bill, the following:

"The Board of Trustees may also contract for any such work at any regular or special meeting."

The amendment was lost.

Senator Nichols moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall,

Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—48.

The nays were:

None.

Absent or not voting:

Senator Stuckslager—1.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Dowell moved that a committee of three be appointed to invite the Pioneer Lawmakers Association to attend the session of the Senate this afternoon at 2:30 o'clock.

Carried.

The President announced as such committee: Senators Dowell, Peterson and Foley.

MESSAGE 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:

House Joint Resolution No. 3, a joint resolution proposing to amend the constitution, so as to prohibit the manufacture and sale of intoxicating liquors as a beverage within this state.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEE.

Senator Gilliland, 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. 233, a bill for an act making Section one thousand five hundred and thirty (1530) of Chapter two (2), Title five (5) of the Code applicable to cities acting under special charters, beg leave to report they have had the same under consideration and recommend that the bill be amended by the adoption of the following substitute:

COMMITTEE SUBSTITUTE FOR SENATE FILE NO. 283.

A Bill for an Act to Amend the Law as it Appears in Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, Relating to the Levy and Expenditure of the County Road Fund.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section fifteen hundred and thirty (1530) of the Supplement to the Code, 1907, is hereby amended by inserting after the comma following the word "towns" and before the word "which" in the fifth line the words "including cities under special charter," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
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. 2, a bill for an act to repeal Sections ten hundred fifty-six-a-seventeen (1056-a-17) ten hundred and fifty-six-a-eighteen (1056-a-18), and ten hundred and fifty-six-a-twenty-six (1056-a-26) of Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, and to enact substitutes therefor, and to amend Sections ten hundred fifty-six-a-nineteen (1056-a-19), ten hundred fifty-six-a-twenty (1056-a-20) ten hundred fifty-six-a-twenty-one (1056-a-21) and ten hundred fifty-six-a-twenty-four (1056-a-24) ten hundred fifty-six-a-twenty-five (1056-a-25) ten hundred fifty-six-a-twenty-eight (1056-a-28), ten hundred fifty-six-a-thirty-two (1056-a-32) and ten hundred fifty-six-a-thirty-nine (1056-a-39) of Chapter 14-c of the Supplement to the Code, 1907, all relating to the government of certain cities, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

In the second line of the Title insert after the figures "(1056-a-18)" the words and figures "ten hundred and fifty-six-a-twenty-one (1056-a-21)."

In lines six and seven of the title to the bill strike out the words and figures "ten hundred and fifty-six-a-twenty-one (1056-a-21)," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Judiciary Committee, Senate File No. 338, a bill for an act to amend the law as it appears in Sections Ten Hundred Sixty (1060) of the Supplement to the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

Read first and second time and placed on Calendar.

REPORTS OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 261, a bill for an act to legalize the special election held in the city of New Hampton, Iowa, on the fifth day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of eighteen thousand dollars (\$18,000.00) for the purpose of erecting a combined water-works, electric light and power plant and water-tower and tank, and to validate and legalize the bonds issued in pursuance of said election, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 73, a bill for an act to repeal Section eleven hundred seventy-seven (1177) of the Code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 73.

A Bill for an Act to Amend the Law as it Appears in Section Eleven Hundred Seventy-seven (1177) of the Code Relating to the Qualifications of Public Officers.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section eleven hundred seventy-seven (1177) of the Code be, and the same is hereby amended by striking out in the fourth and fifth lines thereof the words "first Monday in January following their election" and inserting in lieu thereof the words, "second secular day in January of the first year of the term for which such officers were elected," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 248, a bill for an act to amend Section five thousand six hundred and fifty-two (5652) of the Code of Iowa, relating to hard labor

by persons confined in jails, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking out the words "of Iowa" appearing in the second line thereof, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 243, a bill for an act legalizing ordinances numbers thirty-eight and thirty-nine, establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek County, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 44, a bill for an act to provide that any fiduciary required by law to give a bond may include the expense thereof as part of the lawful expense of executing his trust, etc., beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 313, a bill for an act to amend Section two thousand and twenty-eight (2028) of the Code, relating to the establishment of public highways over the lands of others, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 96, a bill for an act to amend Section one thousand four hundred seven (1407) of the Supplement to the Code, 1907, relating to the collection of delinquent personal property tax, beg leave to report they

have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 333, a bill for an act to amend the law relative to the payment of certain expenses and costs incurred on account of patients committed as inebriates to state hospitals, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by striking out the title, and inserting in lieu thereof the following as the title to said bill:

"A Bill for an Act to Amend the Law as it Appears in Sections Twenty-three Hundred Ten-a-19 (2310-a-19) and Twenty-three Hundred Ten-a-28 (2310-a-28) of the Supplement to the Code, 1907, Relative to the Expenses and Payment Thereof, and Costs Incurred on Account of Patients Committed as Inebriates to State Hospitals, and Repealing Section Twenty-three Hundred Ten-a-30 (2310-a-30) of the Supplement to the Code, 1907, and Enacting a Substitute in Lieu Thereof Relative to the Payment of Expenses for the Returning of an Escaped Patient and Recommitment to the Hospital for Inebriates," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 334, a bill for an act to amend Section thirty-three hundred and five (3305), Supplement to the Code, 1907, relative to the time of granting administration, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title to said bill by inserting after the word "amend" appearing in the first line thereof, the words "the law as it appears in."

Amend the bill by inserting before the word "That" in the first line thereof, the words and figures "Section 1," and by inserting after the word "That" in the first line thereof, the words "the law as it appears in," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 2, on motion of Senator Cosson, Senate File No. 242, a bill for an act to amend

Section Eleven Hundred Thirty-one (1131) of the Code, granting women the right to vote upon certain questions, additional to Chapter Three (3) of Title VI, of the Code, with report of committee without recommendation was taken up and considered.

Senator Saunders moved to amend the bill by striking out the enacting clause.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Taylor, Van Law, Whipple, White, Wilson—36.

The nays were:

Senators Allen of Pocahontas, Bennett, Cosson, Fitchpatrick, Francis, McCulloch, Nichols, Ream, Seeley, Smith of Mitchell, Stuckslager, Whiting—12.

Absent or not voting:

Senator Dowell—1.

So the Senate rejected the bill.

On motion of Senator Cosson, Senate Joint Resolution No. 2, proposing an amendment to the constitution of the State of Iowa, amendatory of Section One of Article II, of said constitution, with report of committee without recommendation was taken up and considered.

Senator Gilliland moved to amend the report of the committee by changing it to "indefinite postponement" instead of without recommendation.

On the motion a roll call was demanded.

Those favoring the motion to amend the report of the committee were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf,

Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

Senators Allen of Pocahontas, Cosson, Dowell, Francis, Hunter, McCulloch, Nichols, Ream, Seeley, Smith of Mitchell, Stuckslager—11.

Absent or not voting:

Senator Taylor—1.

So the amendment was adopted.

Senator Gilliland moved that the report of the committee as amended be adopted.

On the motion a roll call was demanded.

Those favoring the adoption of the report of the committee as amended were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

Senators Allen of Pocahontas, Cosson, Dowell, Francis, Hunter, McCulloch, Nichols, Ream, Smith of Mitchell, Stuckslager—10.

Absent or not voting:

Senators Seeley, Taylor—2.

So the bill was indefinitely postponed.

The President announced that he had signed in the presence of the Senate, Senate File Nos. 136, 162, 48, 172, 72, 44, 262, 75, and House File Nos. 158, 171, 123, 177, 98.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 44, a bill for an act making appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the General Assembly and railroad commissioners.

Also:

Senate File No. 72, a bill for an act to amend the law as it appears in Section forty-nine hundred ninety-nine-a-9 (4999-a-9) of the Supplement to the Code, 1907, relating to protection against fire and providing means for escape.

Also:

Senate File No. 172, a bill for an act to amend Section twenty-six hundred and one (2601) of the Code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

Adopted.

Also:

Senate File No. 48, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty-one-a (1661-a) of the Supplement to the Code, 1907, relative to state aid to county and district fairs.

Also:

Senate File No. 262, a bill for an act to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

Also:

Senate File No. 75, a bill for an act to repeal Sections sixteen (16), seventeen (17) and twenty (20) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly as the same appear on page four (4) of the Prefix to the Code, and enact substitutes therefor; to repeal Sections eighteen (18) and nineteen (19) of Chapter twenty (20) of the Acts of the Extra Session of the Twenty-sixth General Assembly, as amended by Chapter one (1) of the Acts of the Thirty-first General Assembly, and as the same appear on page tve (5) of the Prefix

to the Supplement to the Code, 1907, and enact substitutes therefor; and to repeal Sections forty-two (42), forty-three (43), forty-four (44), forty-five (45) and forty-six (46) of the Code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the Codes and Session Laws.

Also:

Senate File No. 136, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 162, a bill for an act amending the law as it appears in Section thirteen hundred sixty-one (1361) of the Supplement to the Code, 1907, and Section thirteen hundred fifty-five (1355) of the Code, relating to the making of affidavit in assessment of property.

HENRY L. ADAMS,
Chairman.

Adopted.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 3, on motion of Senator Smith of Mitchell, House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance, as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator McCulloch offered the following amendment and moved its adoption:

I move to amend by striking out the word and figures "ten (10)" in line four of Section One and insert in lieu thereof the words and figures "fifteen (15)."

The amendment was lost.

Senator Smith of Mitchell offered the following amendment and moved its adoption:

Amend Section 2 by striking out the figures "1907" as the same appear in line 4, also amend by inserting the figures "1907" and a comma, after the comma following the word "Code" in the 5th line of Section 2.

Adopted.

Senator Hoyt offered the following amendment and moved its adoption:

I move to amend by striking out the word "two" in the first line of Section 2 and inserting in lieu thereof the word "three."

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

Amend Section 2 by striking out the word "strictly" before the word "fireproof" and inserting in lieu thereof the word "approved."

Adopted.

Senator De Wolf offered the following amendment and moved its adoption:

Amend Section Two (2) of the bill by adding to said section the following: "The provisions herein as to providing ropes shall apply to all hotels of more than one story."

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend Section 3 by striking out the word "strictly" before the word "fireproof" and inserting in lieu thereof the word "approved" in line seven.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking out Section Five (5).

Senator De Wolf offered the following substitute amendment and moved its adoption:

I move to amend Section Five (5) of the printed bill by striking out the words "the shaft or shafts of such" in lines one (1) and two (2) thereof and inserting in lieu thereof the following:

"Such portion of the shaft or shafts thereof as extend below the level of the first floor."

Also by inserting the word "an" between the words "with" and "automatic" in line three (3) of said section.

Also by striking out the word "each" between the words "at" and "floor" in line four (4) thereof and by inserting in lieu thereof the following: "the first."

By unanimous consent Senator Saunders accepted the substitute amendment offered by Senator De Wolf.

HOUSE MESSAGES CONSIDERED.

House Joint Resolution No. 3, Joint Resolution proposing to amend the constitution so as to prohibit the manufacture and sale of intoxicating liquors as a beverage within this state.

Be it Resolved by the General Assembly of the State of Iowa:

That the following amendment to the constitution to the State of Iowa, be, and the same is hereby proposed: To add, as Section twenty-six (26) to Article One (1) of said constitution the following:

Section 26. No person shall manufacture for sale, or sell or keep for sale as a beverage, any intoxicating liquors whatever, including ale, wine and beer.

The General Assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

Resolved, further, That the foregoing proposed amendment, with the yeas and nays taken thereon in each of the two houses be entered on their respective Journals and referred to the legislature to be chosen at the next general election, and that the same be published as by law required, for three months previous to the time of said election.

The resolution was read first and second time.

Senator Proudfoot asked that the Joint Resolution be referred to the Committee on Suppression of Intemperance.

Senator Mattes moved to refer the Joint Resolution to the Committee on Constitutional Amendment and Suffrage.

The motion was withdrawn.

Senator De Wolf moved that the Joint Resolution be referred to the Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot raised the point of order that under Rule 19 and the custom heretofore followed, the motion to refer was not in order until his request for reference had been granted or until the President had referred the Joint Resolution to an appropriate committee.

On the point of order the President ruled as follows:

Rule 19 provides that upon the second reading of a bill or joint resolution, if committed, then the question shall be whether to a select or standing committee and that if no objection is made, the President of the Senate may refer the bill or joint resolution to an appropriate committee, or to such committee as the Senator who introduces the measure suggests.

The Chair is of the opinion that the motion of the Senator from Grundy raises the question as to whether the joint resolution shall be referred to a standing committee and also that it constitutes an objection to the resolution being referred by the President to such a committee as he might deem appropriate because it seeks to have the Senate make the reference by a vote upon the motion.

The Senator from Warren insists that because he is to have charge of the resolution in the Senate that therefore the President should refer it to the committee suggested by him and simply upon his request, basing his contention upon the provision of the rule that, "if no objection is made the President may refer to an appropriate committee, or to such committee as the Senator who introduces the measure shall suggest." The Chair thinks this is not a measure introduced by any Senator, that it is not before the Senate by reason of any act of any Senator whomsoever, but that it is introduced by a message from the House and solely by the action of the House. The Senator therefore, does not come within this provision of the rule.

The Chair is of the opinion, also, that the very act of insisting that the President refer the measure to a committee suggested by the Senator, constitutes in itself an objection to the President referring it to a committee deemed by him "appropriate," because it insists upon a reference deemed "appropriate" by the Senator alone, so far as the Chair now knows.

The Chair, therefore, is of the opinion that no reference can be made by him, under the rule, because of the objection raised by the motion of the Senator from Grundy seeking a reference by the Senate and the objection raised by the request of the Senator from Warren that the reference can be made to a committee named by him. Under the rule it is only where no "objection is made" that the President can refer a measure, either upon his own motion or upon the suggestion of a Senator, and then it must be upon the suggestion of a Senator "who introduces the measure." The Senate reserves to itself the right to refer all measures. Upon the objection of any Senator the question of reference is then one for the Senate. So the Chair thinks it is here. A Senator has not the right to insist upon a reference to a committee named by him even though he introduces a measure, if there is objection, much less does that right exist where he has not introduced the measure.

The Chair rules that the reference of the measure, must, under the circumstances, be made by the Senate by the vote upon the motion of the Senator from Grundy.

Senator Smith of Mitchell moved that the time for adjournment be extended for the consideration of House messages and the correction of the Journal.

Carried.

Senator Proudfoot offered the following motion as a substitute for the motion of Senator De Wolf:

I move as a substitute that House Joint Resolution No. 3 be referred to the Committee on Suppression of Intemperance.

Senator Saunders raised the point of order that the remarks of Senator Proudfoot were not directed at the motion under consideration.

The President ruled that Senator Proudfoot confine his remarks to the substitute motion.

On the substitute motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Clark, Clarkson, Cosson, Gilliland, Hammill, Larrabee, Peterson, Proudfoot, Seeley, Smith of Mitchell, Stuckslager, Taylor, Whiting—16.

The nays were:

Senators Adams, Balkema, Brown, Chapman, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Van Law, Whipple, White, Wilson—30.

Absent or not voting:

Senators Bruce, Burgess, Frudden—3.

So the substitute motion was lost.

On the motion to refer to the Committee on Constitutional Amendments and Suffrage, a roll call was demanded.

Those favoring the motion were:

Senators Adams, Balkema, Brown, Chapman, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon,

Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Van Law, Whipple, White, Wilson—34.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Cosson, Gilliland, Hammill, Proudfoot, Whiting—8.

Absent or not voting:

Senators Bruce, Burgess, Clark, Frudden, Smith of Mitchell, Stuckslager, Taylor—7.

So the motion prevailed, and the Joint Resolution was referred to the Committee on Constitutional Amendments and Suffrage.

REPORT OF COMMITTEE.

Senator Hunter, from the Committee on Labor, submitted the following report:

MR. PRESIDENT—Your committee on Labor, to whom was referred Senate File No. 254, a bill for an act to provide for the employment of prisoners in the county jails and for paying their earnings to their families, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By substituting the word "may" for the word "shall" in the first line of Section one thereof and by striking out all of Section one after the word "fine" in line five and placing a period after the word "fine," and when so amended the bill do pass.

ROBERT HUNTER,
Chairman.

Ordered passed on file.

Senator Proudfoot moved that all petitions referring to the re-submission of the prohibitory amendment be recalled from the Committee on Suppression of Intemperance and be referred to the Committee on Constitutional Amendments and Suffrage.

Carried.

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

Senator Chapman moved that when the Senate adjourn it be until 2 o'clock, P. M.

Carried.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2 o'clock P. M.

President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Gates presented petitions from citizens of Butler County favoring the resubmission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Quigley presented petition from Woman's Christian Temperance Union of Volga, Iowa, favoring the passage of the bill controlling venereal diseases.

Referred to Committee on Public Health.

INTRODUCTION OF BILLS.

By Senator Clark, Senate File No. 339, a bill for an act to amend Section Two Hundred Sixty-one (261) of the Supplement to the Code 1907, relating to Superior Courts and change of venue therefrom.

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

By Senator Moon, Senate File No. 340, a bill for an act amending the law as it appears in Section twenty-five hundred Ninety-six-a (2596-a) of the Supplement to the Code 1907, relating to the sale of cocaine and certain other drugs. .

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

By Senator De Wolf, Senate File No. 341, a bill for an act to amend the law as it appears in Section Thirteen Hundred Sixty

(1306-b) of the Supplement to the Code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness, five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending, as well as purchasing, erecting or maintaining and operating water-works, electric light and power plants, gas works, and heating plants or building and constructing sewers.

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

By Senator Allen of Pocahontas, Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the county of Pocahontas and state of Iowa. In relation to the establishment, erection and maintenance and extension of a system of water works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

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

REPORT OF COMMITTEE.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your committee on Pharmacy, to whom was referred Senate File No. 185, a bill for an act to amend Section two thousand five hundred and eighty-nine-b (2589-b) of the Code Supplement, 1907, relative to the requirements of applicants for registration as pharmacists, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend said bill by striking out Section two and also amend the title and Section one (1) of same by striking out the word "Code" preceding the word "Supplement" in the title and Section one (1) thereof, and inserting in lieu thereof and immediately after the word "Supplement" the words "to the Code," and when so amended the bill do pass.

GEO. McCULLOCH,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

Senate resumed consideration of House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations.

On the adoption of the amendment offered by Senator De Wolf a roll call was demanded.

Those favoring the amendment were:

Senators Brown, Burgess, Clark, De Wolf, Dowell, Foley, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, White, Whiting—26.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Clarkson, Cosson, De Armand, Fitchpatrick, Francis, Lar-rabee, Moon, Nichols, Peterson, Smith of Mitchell, Van Law, Whipple, Wilson—17.

Absent or not voting:

Senators Adams, Bennett, Chapman, McManus, Ream, Stuck-slager—6.

So the amendment was adopted.

Senator Gilliland offered the following amendment and moved its adoption.

I move to amend Section Five by striking out the word "strict-ly" and inserting in lieu thereof the word "approval" in line one.

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption.

I move to amend Section Five by inserting after the comma following the words "shaft-way" in line three the words "the door to be made as far as practicable of wire glass."

Adopted.

Senator De Wolf offered the following amendment and moved its adoption.

I move to amend by striking out the letter "S" at the end of the word "traps" in line four of Section Five.

Adopted.

Senator Gilliland offered the following amendment and moved its adoption.

I move to amend Section Seven by striking out the word "strictly" and inserting in lieu thereof the word "approved" in line two.

Adopted.

Senator Smith of Mitchell offered the following amendment and moved its adoption.

I move to amend by striking out the figure "1907" as they appear in the last line of Section 8 and inserting a comma and the figures "1907" after the word "Code" in the last line of Section 8.

Adopted.

Senator Hammill offered the following amendment and moved its adoption.

I move to amend by striking out all of Sections 9, 10, 11, 12 and 13.

Further consideration of the bill was postponed.

The Sergeant-at-Arms announced a committee with Pioneer Law Makers Association of Iowa.

The President instructed the committee to escort the President of the Association to a seat at the President's desk, and directed the seating of the Association on the west side of the chamber which was vacated for that purpose.

The President of the Senate announced to President Moir of the Pioneer Law Makers Association that he had requested the Senator from Mills to make the address of welcome on behalf of the Senate and introduced Senator Gilliland who welcomed the Association for the Senate.

The President of the Association then introduced Judge C. C. Cole as one of the most prominent members of the Association to respond to the address of welcome.

The program as previously arranged was carried out and other addresses were made on the part of the Senate by Senators Van Law, Sammis and Frudden, and on part of the Pioneer Law Makers Association by Hon. Mike McDonald, Hon. E. R. Gillett, and Hon. Julius J. Matthies.

President Moir of the Association introduced Mrs. Jessie Cheek, who sang in a beautiful way the "Swiss Echo Song" and to an enthusiastic encore responded by singing "Coming Through the Rye."

President Clarke announced that the program would be concluded with the song "Annie Laurie" by Mrs. Jessie Cheek.

President Moir of the Association thanked the Senate for their cordial invitation and the kind reception and the Association then withdrew.

Senator Dowell moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9 o'clock tomorrow morning.

JOURNAL OF THE SENATE

• SENATE CHAMBER,
DES MOINES, IOWA, MARCH 12, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Charles L. Nye of Woodbine, Iowa.

PETITIONS AND MEMORIALS.

Senator Smith of Des Moines presented petition from citizens of Des Moines County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Whiting presented remonstrance from citizens of Crawford County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Cosson presented two petitions from citizens of Dallas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Savage presented petition from citizens of Madison County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented petition from citizens of Polk County, aggregating 406 names, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Dowell presented remonstrance from citizens of Polk County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator Clark, Senate File No. 343, a bill for an act providing for the trial of persons charged with the commission of the crime of murder, who are confined in a prison or reformatory.

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

The President announced that there had been placed with him a communication requiring an executive session.

Senator Dowell moved that the Senate go into executive session at 11:45 A. M., today.

Carried.

Senator Stuckslager, from the Committee appointed to visit the several State institutions, submitted the following report:

To the President of the Senate and the Speaker of the House of Representatives of the Thirty-third General Assembly:

Your committee appointed under Senate concurrent resolution to visit the State Educational Institutions of Iowa, beg leave to report as follows:

By the terms of said resolution the committee was directed to visit the State University, the State College of Agriculture and Mechanic Arts and the State Normal School, before March 1, 1909. After the appointment of said committee, it organized by electing Senator Stuckslager, chairman, and Mr. Lee, secretary.

The committee visited the State College of Agriculture and Mechanic Arts on the 20th day of February, 1909, the State University on the 22d day of February and the State Normal School on the 26th day of February.

Aside from directing the committee to visit the three educational institutions of the state before March 1, 1909, and such of the state institutions under the State Board of Control as the Committees on Appropriations might direct, the scope of the duties of the committee was not defined. Owing to the lack of time and facilities, it was entirely impracticable for the committee to make anything like a thorough and full examination into the entire system of business management and educational policies of these institutions. Such an investigation was not contemplated by the concurrent resolution, nor was it expected by the General Assembly.

The three educational institutions have filed reports for the last biennial period as provided by law, which reports set forth much detailed information. The report of the committee appointed by the Thirtieth General Assembly to inquire into the management and affairs of the state educational institutions of the state contains valuable information and recommendations that are still timely and pertinent.

These educational institutions of the state are accomplishing a great work in the field of higher education. This has been possible largely by reason of the uniform fairness and liberality with which the people of Iowa have dealt with them. This generous treatment on the part of the state has not only enabled these institutions to sustain themselves properly, but has at the same time, made possible their steady growth and expansion and at this time these institutions have attained to the highest standard of excellence in their respective fields. The State University is accorded recognition among the universities of this and foreign countries not heretofore enjoyed. This redounds to the benefit of the university and its graduates as well as reflecting credit upon the state as a whole.

The College of Agriculture and Mechanic Arts stands foremost among its kind. The great success achieved by this institution could not have been possible except under a wise and sound policy of the state in relation to it. The benefits derived from this institution are well worth its cost to the state. It is one of the most valuable assets of our commonwealth.

The State Normal School, also, has made rapid strides. Its development and influence are very satisfactory. It accomplishes a work peculiarly its own to perform. It fits thousand of our young men and women annually to train the youth of our state. This institution possesses an individuality which cannot help but exert a great and beneficent influence in moulding the education and character of its students.

The government of the three state educational institutions, being vested in three separate and independent governing boards, there is of necessity more or less of unnecessary duplication and competition. This is probably inevitable under existing conditions. It evidently was not the purpose of the acts creating these institutions that they should occupy a common field to any considerable extent. There is ample scope for each to excel in its own legitimate and natural sphere. There should be no jealousy, rivalry or undue competition among these schools. Their energies and the energy of the state should be expended in their development along proper lines.

The buildings erected for these institutions from the millage tax voted for that purpose are a credit to the state. They are in the main substantial fire proof stone buildings of the best type and most modern equipments. The only stone building at the Normal School is the library building now in process of construction. When completed it will be a very fine building. The other buildings at the Normal School are brick structures, some of them not fire proof. The administration building and the Hall of Agriculture at Ames are splendid stone structures. The criticism has been made with respect to these buildings that they are somewhat more pretentious in style and equipment than should characterize buildings for such purposes. This criticism might be pertinent to the Administration Building. Its halls are very wide and spacious, has broad, easy stairways, and its corridors are filled with large columns, the whole taking on very much the appearance of a magnificent public building. It is probably true that more space in this building could have been utilized for the real needs of the institution without in any degree impairing either the sightliness or efficiency of the structure. While permanent structures answering every need of this great institution, not only for the present, but for many years in the future, might have been erected at a much smaller cost to the state, yet no one will seriously complain because, after all, they are in a true sense a great credit to the state.

Your committee regrets that it did not have more time in which to investigate more minutely into the business management and educational policies of the state educational institutions. To do this with any degree of completeness and satisfaction, and to justify the drawing of fair and reliable conclusions therefrom, would require full opportunity to examine into the methods of bookkeeping, the policy of conducting their financial affairs, make comparisons with other institutions and consider many other matters properly bearing on the subject.

The state ought to insist on good management of the business and financial affairs of these institutions. It should hold to the same policy of rigid economy in the expenditure of its funds for educational purposes

that it adopts in relation to other business transactions. There should be no waste, extravagance or looseness in connection with the business management.

The State University has asked the Thirty-third General Assembly to make an annual increase in the following funds, to-wit:

For additional support fund.....	\$92,500
For repair and contingent fund.....	12,500
For library support	30,000
For university and extension correspondence work.....	20,000
For the extension and enlargement of the summer session and the further development of the school of education..	20,000

Your committee has endeavored to inquire with some care into the necessity of granting these askings. It endeavored to ascertain what increases are justified under all the circumstances and recommends such increases in the funds mentioned as are consistent with the needs of the institution and the financial ability of the state.

Your committee recommends an increase in the support fund of \$22,000 annually hereafter, and the further sum of \$15,000 a year for the next two years. This increase, the committee believes, is liberal.

Your committee recommends an annual increase in the repair contingent fund of \$7,500. The committee believes this sum, together with the annual appropriation heretofore granted the university in this fund, is ample for present needs.

Your committee believes that the amount heretofore granted the university for library support has been insufficient and has to some extent hampered the work of the several departments. It does not believe, however, that it is wise to allow the sum asked for that item, namely, \$30,000, annually. The committee believes that \$10,000 a year in addition to the \$5,000 a year that the university receives under previous acts will be reasonably sufficient for library support. The committee does not deem it wise at this time to recommend an annual addition to the fund mentioned, but does recommend a special appropriation in the sum of \$20,000 for library support for the next biennium.

The university asks \$20,000 annually for university extension and correspondence work and \$20,000 for the extension and enlargement of the summer session and the further development of the school of education. Your committee ascertained that the university has already undertaken, in a small way, university extension and correspondence work, and in the last year expended in this direction something like \$500.00 out of its support fund. The committee does not deem it wise at this time to recognize this item or asking for a special or separate appropriation. However, the committee in recommending the increase in the support fund, made due allowance for the university extension and correspondence work. The university expended last year for summer session and for school of education, about \$6,500, which was taken out of the support fund. No appropriation has been made by the state especially for this work or for the last preceding item, and your committee does not see fit to recognize the summer session and school of education for a

special appropriation, but the committee made due allowance for this work in the increase recommended for the support fund.

The university also asks the Thirty-third General Assembly to make special appropriations for various purposes as follows:

For additional boiler and equipment, automatic stokers, coal and ash conveying machinery, boiler feed pump, engine and dynamo and additional fuel room for central heating plant; automatic stokers and fuel room for hospital heating plant, and additional dynamo at hydraulic power station.....	\$ 28,600
For the purchase of additional lands.....	100,000
For department equipment and supplies.....	30,000
For paving and sidewalks	6,000
For improvement and care of grounds.....	4,000
For the creation of a woman's building and for the equipment and land for same.....	150,000
For building equipment for the buildings now partially equipped, and for equipment for new law building and other buildings to be erected	30,000

With reference to the first item, your committee endeavored to determine the immediate necessity of the several matters included therein. Undoubtedly, all of the improvements suggested ought to be made ultimately, but in view of the fact that there are limitations upon the ability of the legislature to vote money for all of the needs of these institutions, the committee has concluded to recommend appropriations for the things which are most urgently needed. The committee thinks that the dynamo ought to be installed at the hydraulic power station; automatic stokers should be installed in the central heating plant; the boiler feed pump and an additional boiler are needed in the central heating plant. These things are not only badly needed at the present time, but will result in economy and saving to the state, and your committee recommends that a special appropriation be granted in the sum of \$15,000.00 for said purposes.

With reference to the asking for the purchase of additional lands, the committee believes that certain lands are needed at this time for the following purposes: land for woman's building, land for detention hospital, for tracks and shops and for dumping of ashes. The committee inspected the parcels of land proposed to be purchased for these purposes and believes the sum of \$35,000 ample therefor.

The university is ambitious to extend its campus in two directions, north and east, but the committee does not deem it wise to recommend any appropriation at this time for lands beyond those needed for present use.

Your committee recommends that \$15,000 be appropriated for departmental equipment and supplies. The sum of \$6,000 is asked for paving and sidewalks and \$4,000 for improvement and care of grounds. Your committee has concluded to recommend an appropriation of \$6,000 for both of said items.

Your committee recommends that the sum of \$15,000 be appropriated for equipment of new law building and other buildings to be erected, which sum is deemed sufficient for said purposes.

Your committee does not see its way clear to recommend a special appropriation for the erection of a woman's building. In the recommendation above made for the purchase of land, allowance was made for the purchase of a site for the proposed woman's building. The committee is opposed to the policy of making special appropriations for the erection of permanent buildings of this character, in view of the millage tax that has been voted by preceding General Assemblies. The amount realized from the millage levies for the State University amounts to the annual sum of approximately \$132,000. The committee estimates that the amount that will be derived for the five year period from this source will equal about \$750,000 which ought to be ample to provide for all buildings to be erected in that length of time.

Your committee was impressed with the need and desirability, both for protection and from sentimental reasons, of making the Old Capitol Building fire proof. This building is in a good state of preservation and by a reasonable expenditure, can be made fire proof. We believe that the people of Iowa would approve of measures taken to preserve this historic land mark of the state. It is being utilized now for the work of the university and can be made more useful, safe and permanent by improving the same, but your committee does not recommend any special appropriation for the purposes mentioned, but believes that the improvement of the Old Capitol Building should be made out of the millage tax of the university, and your committee recommends that such a recommendation or direction be included in the appropriation bill for the State University.

Some criticism has been heard relative to the building of a President's House by the Regents of the University. Attention of the committee was drawn to the expenditure of the state's money for this improvement. The house in question is now nearing completion. It is a fine brick structure, built upon the heights in the north part of the city and at an expense of substantially \$25,000. The committee learned that this building was erected from the millage tax levied prior to the last millage act and represented the balance of such fund. As to the propriety of the Board of Regents in making such an improvement, the committee expresses no opinion. It is claimed by some that no authority exists in law for such an expenditure. The contention of the Board of Regents is that it had ample authority to expend money from the millage fund for such a purpose. The Board of Regents, in its report to the Governor for the year 1905-6 in discussing the matter of erecting a residence for the president, said: "The university now owns a highly desirable building site which this board has reserved for this purpose, feeling that the time would soon come when we could afford, and indeed would be forced, to erect upon it an official residence for the president. Whether that time has come is a matter for the legislature to settle. The board feels that such provision is now necessary for the best interests of the university, and proposes, if the plans submitted meet the approval of the legislature, to proceed

with its erection, at an expense of approximately \$15,000, to be paid from the one-fifth mill building tax."

However it may be, no authority was expressly given by the state, either through the legislature or Executive Council, for the erection of this building. There was no such condition or requirement in the act providing for the millage out of which the residence was built, but in the last millage act there was a provision requiring the Board of Regents to secure the approval of all plans for all buildings to be erected from the tax. It is evident that the General Assembly voting the last millage tax for the benefit of the university intended to place restrictions about the expenditure of the funds derived therefrom. This provision was in the law before the erection of the building in question was commenced.

The State College of Agriculture and Mechanic Arts asks for an increase annually in certain of its funds, as follows:

For support of the college and its educational departments	\$75,000
For repairs, minor improvements and contingencies.....	22,000
For equipments of departments.....	2,500
For support of agricultural experiment station.....	50,000
For support of engineering experiment station.....	11,000
For library book fund	2,500
For agricultural extension work	8,000

The committee sought to determine the necessity of granting these askings with the same care that it examined into the askings of the State University.

The erection of additional permanent buildings for the college and its growth and development undoubtedly call for an increase in some of its funds. A large part of the increase asked for in the support fund is proposed to be used in the raising of salaries of the instructional force and to employ additional instructors. The claim is made by the college authorities that it is difficult to prevent instructors from going to other schools, because larger salaries are offered. The same claim is made by the heads of the other institutions. The committee has concluded to recommend an increase annually of \$15,000 for the support of the college in its educational departments and the further sum of \$10,000 annually for the next two years. The committee believes, that these sums added to the present income of the college will be reasonable and adequate for its needs for the next two years.

Your committee recommends an increase of \$13,000 annually for repairs, minor improvements and contingencies. This increase is made necessary because of the erection of new permanent buildings, heating plant and other additional expenses which properly come under this head.

Your committee recommends that a special appropriation of \$15,000 be made for equipment of departments for the next biennium and that the library book fund be increased \$2,500 annually.

The college asks an increase of \$50,000 a year for support of the agricultural experiment station. The present income to the college for this purpose is \$49,000, so that if the asking should be granted in full it would more than double the present income. The college might be able to use

this amount to advantage, yet the committee does not deem it wise at this time to recommend an increase in the sum asked. After a very careful consideration of this asking, the committee, by unanimous action recommends a special appropriation of \$30,000 for the next biennium for support of the agricultural experiment station.

The Thirty-second General Assembly voted an annual appropriation of \$3,500 for the support of the engineering experiment station. The college asks this General Assembly to increase this amount in the sum of \$11,500 annually. The committee does not see the wisdom of allowing this asking in full and recommends that only \$1,500 annually be granted for the purpose last mentioned. An annual increase of \$8,000 is asked for agricultural extension work. The last General Assembly voted an annual appropriation of \$27,000 for this work and the committee recommends that no additional amount be allowed.

The college also asks for special appropriations for the following purposes:

For furnishings and fixtures for the hall of agriculture.....	\$35,000
For furnishings and fixtures for the general engineering laboratory	5,000
For completion of central heating and power plant.....	50,000
For sidewalks and grading	11,000
For gymnasium, auditorium and armory building.....	50,000
For abattoir laboratory and meat curing building	25,000
For ceramics building	15,000
For poultry and farm buildings	10,000

With reference to the asking for the first item, the committee reports that the college asked an appropriation in the sum of \$30,000 by the Thirty-second General Assembly. In the report of the board of trustees of the college to the Thirty-second General Assembly they estimated that it would cost \$30,000 to buy furnishings and fixtures for the hall of agriculture that is now nearing completion. The Thirty-second General Assembly voted the sum of \$10,000 for the purpose mentioned. At the time of the making of said report by the trustees of the college the plans and specifications for such fixtures and furnishings had not been drawn and no estimate had been made by the architect as to the amount required to pay for same.

After the adjournment of the Thirty-second General Assembly, plans and specifications were drawn for furnishings and fixtures for the hall of agriculture by architects employed by the board of trustees and the architects estimated the cost of such furnishings and fixtures to be \$35,000. Bids were advertised for and submitted to the college for such furnishings in accordance with the plans and specifications and the aggregate amount of the several bids accepted was \$43,186.88. In addition to this there was charged to this item as an architect's fee and as the fee of a purchasing agent the further sum of \$2,159.34. \$23.25 was charged for advertising, \$1.08 for telegrams and \$188.95 for traveling expenses of committee to inspect furniture at Grand Rapids, Mich., making a total of \$45,559.50 in connection with buying furnishings and fixtures for the hall of agriculture.

It will be noted that the estimated cost of the furnishings and fixtures for the agricultural hall by the architects exceeded by \$5,000 the total amount asked of the last General Assembly; that the total amount of the bids, plus other expenses, exceeded the estimate of the architect by the sum of over \$10,500.00.

The Thirty-third General Assembly is asked to appropriate the sum of \$35,000 to pay for the proposed furnishings and fixtures, \$10,000 being in the possession of the college at this time, for that purpose. If the full amount be granted, the expense for furnishings and fixtures would be nearly \$46,000. The committee does not deem it necessary to expend this amount of money to properly furnish the new agricultural hall. It recommends that a special appropriation of \$25,000 be made for the purpose mentioned. It may be proper and in accordance with good business management to pay the sum of \$2,159.34 as architect's fees and fees of purchasing agents for the purchase of the property mentioned, but the committee is not convinced that the expenditure of the state's funds in this amount for the purpose stated is necessary.

It may be proper for your committee at this juncture to call attention to the fact that furnishing and fixtures and furniture of the new buildings at the college are of a somewhat elegant and expensive variety. The committee believes that less money might be spent for such purposes without in any way injuring or crippling the efficiency of the college in any of its departments. The committee does not pretend to say that the furnishings and furniture and equipment of the buildings in any of the state schools should be cheap and of poor quality, nor that the state should adopt a niggardly policy or deal with these institutions in a parsimonious manner.

The committee recommends that the sum of \$7,500 be voted for sidewalks and grading. There is an urgent present need for more substantial walks on the college campus and considerable grading will have to be done around agricultural hall, and while the full sum of \$11,000 asked by the college for this purpose might be expended to advantage, yet your committee does not see its way clear to recommend the full amount asked.

The central heating and power plant is in a state of incompleteness. It does not furnish heat for all of the buildings. Several of the buildings are heated by independent plants, all of which results in more or less waste and is more expensive in operation. The committee believes that as a matter of economy to the state, the heating and power plant ought to be completed. It is estimated that it will cost \$50,000 to do this. This sum will be used in the enlargement of the building itself, the installation of additional boilers, dynamos, stokers, etc. The committee unanimously recommends that the sum of \$50,000 be appropriated for this purpose.

Your committee recommends that no appropriation be made for furnishings and fixtures for the general engineering laboratory; that in recommending an appropriation for equipment of departments the asking for the item just mentioned was taken into consideration.

Your committee recommends that no appropriation be made for abattoir laboratory and meat curing building as asked. The committee was not greatly impressed with the representations that were made as to the need of such a building, and express the opinion that there would be no

benefit derived to the people of the state in any way commensurate with the expense of erecting such a building, equipping and maintaining it. The college authorities seemed greatly interested in the erection of the gymnasium, auditorium and armory building. Claims are made that such a building is greatly needed. There are similar buildings at the State University and State Normal School.

The erection of such a building as is proposed to be built by the college commends itself to your committee, but the committee is opposed to the policy of making a special appropriation for such a purpose, and what was said along this line with reference to the woman's building for the State University applies to the proposed building at the Agricultural College. The committee believes that the building in question ought to be erected from the millage tax heretofore voted for the purpose of erecting permanent buildings at the College of Agriculture and Mechanic Arts.

What has been said with reference to the gymnasium building applies equally to the other buildings proposed to be built, namely, a ceramics building and poultry farm buildings. The committee recommends, therefore, that no special appropriations be made for any of these items.

The State Normal School asks the legislature for the following annual appropriations:

For the payment of teachers	\$15,000
For contingent expenses	10,000

The additional amount asked for teachers' fund is proposed to be used in large part for increasing the salaries of teachers and professors. The claim is made that it is difficult to hold these professors and instructors, as they are tempted by the offer of higher salaries by other schools. Some of this amount is proposed to be used in the establishment of a department to train commercial teachers. While there may be something of a demand for such a department, the committee does not deem it wise at this time to recognize it as a separate department by the making of a special appropriation therefor, and it is the sense of the committee that such a department ought not at this time, to be established. The committee is favorably impressed, however, with the propriety and necessity of making an annual increase in the teachers' fund, and recommends that the additional sum of \$10,000 be appropriated annually therefor. The contingent expense of the Normal School will be larger as a result of the new library building that is now in process of erection and because of the natural growth and needs of the school, and the committee believes that the sum of \$6,000 ought to be appropriated annually for this purpose.

The committee calls attention to the fact that the funds of the Normal School are more general as compared with the funds of the other state schools, and are embraced under the two general heads of the teachers' fund and contingent expense fund. The teachers' fund is used exclusively for the payment of instructors and all other expenses, including salary of superintendent and all subordinate employes, expense of fuel, up-keep, etc., are paid out of the contingent expense fund.

The following special appropriations are asked for by the State Normal School:

For support of library	\$10,000
For librarian's salary	10,000
For paving, permanent walks and improvement of grounds.....	5,000
For the part purchase of a pipe organ	5,000
For nurse and hospital support	4,000

The amount asked for library support is the same amount that was voted by the last General Assembly for the last biennium and the committee recommends that the sum asked for that purpose be appropriated. The amount used by the Normal School for the last biennium for librarians' salaries was \$8,000. An increase of \$2,000 for the biennium is represented in the asking for this item. The additional amount is proposed to be used for additional help and to raise the salary of librarian to some extent. The committee believes that the full amount asked ought to be appropriated.

The committee also recommends that the sum of \$5,000 be appropriated for paving, permanent walks and improvement of grounds, as these improvements are needed.

The committee recommends that no appropriation be made toward the purchase of a pipe organ. The Normal School has a fund amounting to something like \$4,000 to be used for this purpose and is anxious to install a pipe organ in the chapel. However, the committee cannot see its way clear to recommend this appropriation at this time.

The Normal School has not heretofore been enabled to furnish its students the convenience of a hospital. It is proposed to convert the old residence of the president of the Normal School into a hospital and the sum of \$4,000 is asked to aid in the equipment of the hospital and to hire nurses therefor and to sustain the same. The committee recommends that the sum asked for be granted to enable the hospital to be equipped, but it is of the opinion that such hospital, when equipped, ought to be self-sustaining so that the state will not be called upon to make annual appropriations therefor and in making a recommendation for the sum mentioned, it is not intended to commit the state to the policy of making annual appropriations.

What has been said with reference to the erection of a president's house at the State University applies in large part to the building which has been erected at the State Normal School as a residence for the president. It is the understanding of the committee that it was built with funds derived from the millage tax voted before the last millage act. It is nearing completion and is a very substantial brick structure and will cost, when completed, in the neighborhood of \$20,000.

Your committee, in making recommendations with reference to the various askings of the state educational institutions, has endeavored to act with impartiality and with the utmost fairness. It has been the purpose to avoid doing any harm or injury to any of them.

It was impossible for the committee, in the brief time that it had, to investigate into the needs of the institutions with that care and completeness which it would very much like to have done. Having in mind that the amounts which this General Assembly is asked to appropriate are in the aggregate, at least, double the amount of available funds, one

of two alternatives must be resorted to, either the askings must be scaled down or the state levy must be increased sufficiently to meet the amounts asked for.

The committee is unanimously of the opinion that the levy ought not to be increased and it is therefore a foregone conclusion that the appropriations asked of this General Assembly must be kept within the limits of the state's income.

The committee has reduced the askings where it would work the least possible injury.

Your committee states that this report and all matters and recommendations embraced therein are the result of the unanimous agreement of all its members.

All of which is most respectfully submitted.

W. C. STUCKSLAGER,
F. L. MAYTAG,
WARD WILSON,
N. J. LEE,
CURRAN F. SWIFT,
Committee.

Passed on file.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses; defining the same and prescribing rules for their operation and maintenance, as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations.

By unanimous consent the amendment offered by Senator Hammill on yesterday, striking from the bill Sections 9, 10, 11, 12 and 13, was withdrawn.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend by striking out Sections Nine, Ten, Eleven, Twelve, and Thirteen (9, 10, 11, 12, and 13) and substituting the following in lieu thereof:

Sec. 9. It shall be the duty of the Chief of the Fire Department, Fire Marshal, or Marshal of any city or town, who shall constitute an inspector within said city or town, whose duty it shall be to inspect from time to time all hotels within the corporate limits of said city or town and report to the mayor of said city or town any failure upon the part of any hotel therein situated to comply with the provisions of this act.

Sec. 10. It shall be the duty of the inspector to see that all of the provisions of this act are enforced and complied with and for such purpose such inspector shall personally inspect at least once each year every hotel in the city or town coming within the provisions of this act. If, upon the inspection of any hotel, it shall be found that this law has been fully complied with he shall issue a certificate to that effect to the person operating same, and such certificate shall be kept posted in plain view in some conspicuous place in said hotel.

Said inspector being hereby empowered and authorized to enter any hotel at all reasonable hours to make such inspection, and it is hereby made the duty of every person in the management and control of such hotel to afford free access to every part of the hotel and render all aid and assistance necessary to enable the inspector to make a full, thorough and complete examination thereof.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Brown, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—20.

The nays were:

Senators Allen of Pocahontas, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Larrabee, Moon, Nichols, Parshall, Saunders, Smith of Des Moines, Smith of Mitchell, Wilson—21.

Absent or not voting:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Clarkson, McManus, Maytag, Sammis—8.

So the amendment was lost.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend Section Twelve (12) of the printed bill by inserting after the period (.) following the word "collected" in line eleven (11) thereof, the following:

"In case the complaint is found to be without reasonable grounds the ordinary fee for such inspection shall be chargeable against and collected from the person or persons making the complaint."

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by striking out the words and figures "Four Dollars (\$4.00)" and inserting in lieu thereof the words and figures "Five Dollars (\$5.00)" and also by striking from said section the words and figures "Eight Dollars (\$8.00)" and insert in lieu thereof the words and figures "Ten Dollars (\$10.00)."

The amendment was lost.

Senator Mattes offered the following amendment and moved its adoption:

I move to amend by adding after the word "complaint" in line 6, Section 12, of the printed bill, the following, "signed by five or more patrons."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Allen of Pocahontas, Bennett, Brown, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Stuck-slager, Taylor, White, Whiting—21.

The nays were:

Senators Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Larrabee, Moon, Nichols, Parshall, Peterson, Ream, Smith of Mitchell, Wilson—21.

Absent or not voting:

Senators Allen of Van Buren, McManus, Maytag, Proudfoot, Sammis, Van Law, Whipple—7.

So the amendment was lost.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend Section 17 by striking out the words "without bond," in the fourth line of said bill.

Senator De Wolf offered the following substitute amendment and moved its adoption:

I move to amend Section 17 by inserting after the period following the word "with" in line five (5) thereof the following:

"Upon satisfactory proof being presented to the court, that the requirements of the law either have been or will be complied with within a reasonable time, the court may at its discretion, either in vacation or term time, dissolve such injunction."

By unanimous consent the amendment offered by Senator Hammill and the substitute offered by Senator De Wolf, were withdrawn.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section Seventeen (17) by striking out the words, "and cause an injunction to issue without bonds," in the fourth line of the printed bill and insert in lieu thereof the following words, "for an injunction."

Senator Bennett offered the following substitute amendment and moved its adoption:

I move to amend Section 17 by striking out the comma following the word "law" in the third line, and the following words, "and may file his petition in any court of competent jurisdiction and cause an injunction to issue without bond, restraining the further use of such hotel until the provisions of this act are fully complied with."

By consent the substitute amendment was withdrawn.

Senator Hammill offered the following substitute amendment offered by Senator Peterson.

I move to amend by striking out the words "without bond" and substituting in lieu thereof the following, "upon such terms as the court may impose with or without bond."

Senator Dowell offered the following substitute amendment for the pending amendment and substitute:

Amend by adding to Section 17, the following:

“But no injunction shall issue until after the defendant has had at least five days notice of the application therefor, fixing a time for hearing thereon.”

By consent the substitute amendment was withdrawn.

By consent the substitute amendment offered by Senator Ham-mill was withdrawn.

The amendment offered by Senator Peterson was withdrawn.

Senator Sammis offered the following amendment and moved its adoption:

I move to amend by striking out the words “and cause” in the fourth line of Section 17 and inserting the words “upon which” and by striking out the word “to” in said line and inserting in lieu thereof the word “may” and by inserting the words “with or” after the word “issue” in said line, and by inserting the words “as may be ordered by the court” after the word “bond” in said line.

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend by inserting after the word “with” in the 5th line of Section 17 the following:

“But no injunction shall issue until after the defendant has had at least five days notice of the application therefor, fixing a time for hearing thereon.

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to strike from Section 17 in lines 2 and 3 of the printed bill, the following, “and cause the arrest of the person so violating the law.”

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 17 by adding after the word "jurisdiction" in line 4 of the printed bill the following, "or before any judge of such court in vacation."

Also by adding after the word "court" in the amendment offered by Senator Sammis the words "or judge."

Adopted.

Senator Balkema offered the following amendment and moved its adoption:

I move to strike from Section 15 the words "to be fixed by the inspector" in the 4th line.

The amendment was lost.

Senator Balkema offered the following amendment and moved its adoption:

I move to amend Section 15 by striking out the word "or" in the third line after the word "manager" in line 3 and to add after the word proprietor the words "or owner" and to place a comma after the word "manager" in the same line.

Adopted.

Senator Mattes offered the following amendment and moved its adoption:

I move to amend Section 12 by adding after the word 'complaint' in line 6 of the printed bill the following, "signed by 3 or more patrons."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Cosson, Dowell, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, Whiting—30.

The nays were:

Senators Chapman, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Moon, Parshall, Sammis, Smith of Mitchell, Van Law, White—12.

Absent or not voting:

Senators Allen of Van Buren, Bruce, Burgess, Clarkson, McManus, Saunders, Wilson—7.

So the amendment was adopted.

Senator Chapman moved to reconsider the vote by which the amendment offered by Senator Hammill, amending Sections 9, 10, 11, 12 and 13 and substituting Sections 9 and 10 in lieu thereof, was lost.

Senator Nichols moved that the motion to reconsider be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Larrabee, Moon, Nichols, Parshall, Ream, Sammis, Smith of Mitchell, Wilson—20.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mat-tes, Peterson, Proudfoot, Quigley, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting—25.

Absent or not voting:

Senators Chapman, McManus, Saunders, Van Law—4.

So the motion was lost.

Further consideration of the bill 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 Senate is asked:

House File No. 415, a bill for an act to amend the law as it appears in Section thirteen hundred-six-b (1306-b) of the Supplement to the Code, 1907, so as to authorize cities and towns to incur an indebtedness five per centum of the actual value of the taxable property within such cities

or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating water-works, electric light and power plants, gas works and heating plants, or building and constructing sewers.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE.

Senator Sammis, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your committee on Corporations, to whom was referred Senate File No. 187, a bill for an act to amend Section three thousand and sixty-eight (3068) of the Code relative to the use of corporate seals, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By inserting after the word "instrument" in line 4 the following: "or writing on the margin of any record," and

By striking out all of Section 1 after the word "therein" in line 4, and inserting in lieu thereof the following: "the absence of such seal shall not affect the validity of said instrument or writing," and when so amended the bill do pass.

J. U. SAMMIS,
Chairman.

Ordered passed on file.

The time having arrived the President announced that the Senate would go into executive session.

The Senate went into executive session.

On motion the executive session adjourned until 11:45 o'clock, A. M., Tuesday, March 16.

The Senate arose from executive session.

The Senate resumed regular session.

Senator Smith of Mitchell asked unanimous consent to have House File No. 190, made a Special Order for Tuesday morning, March 16th.

Consent granted.

HOUSE MESSAGE CONSIDERED.

House File No. 415, a bill for an act to amend the law as it appears in Section Thirteen Hundred and Six-b (1306-b) of the Supplement to the Code, 1907, so as to authorize cities and towns to incur an indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the

purpose of extending as well as purchasing, erecting or maintaining and operating water-works, electric light and power plants, gas works and heating plants, or building and constructing sewers.

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

Senator Gilliland moved that the Senate do now adjourn until 9:00 o'clock, A. M., tomorrow.

Carried.

Senate adjourned.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 13, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. D. G. Bruce of Des Moines.

On request of Senator Hoyt leave of absence was granted Senator Hammill for the day.

On request of Senator Gilliland leave of absence was granted Senator Balkema for the day.

On request of Senator Dowell leave of absence was granted Senator Van Law for the day.

On request of Senator De Armand leave of absence was granted Senator Bruce for the day.

On request of Senator Gilliland leave of absence was granted Senator Proudfoot for the day.

On request of Senator Cosson leave of absence was granted Senator Fitchpatrick for the day.

On request of Senator Whipple leave of absence was granted Senator Stuckslager for the day.

PETITIONS AND MEMORIALS.

Senator Allen of Van Buren presented remonstrance from the Cigarmakers Union No. 490 of Fairfield, Iowa, against the passage of the wage exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator De Armand presented remonstrance from citizens of Davenport, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Frudden presented petition from residents of Dubuque County favoring the extension of the right to vote to the women of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator White offered the following resolution and moved its adoption.

RESOLUTION.

WHEREAS, The Hon. Samuel H. Fairall, one of the old time pioneers of Johnson County, Iowa, for over fifty-four years, an active and honored member of the House of Representatives of the Ninth General Assembly and a member of the Iowa Senate in the Twelfth, Thirteenth, Fourteenth and Fifteenth General Assemblies from Johnson County, passed away at his home in Iowa City, Iowa, on the 8th day of March, 1909.

Therefore be it Resolved, That a committee of three be appointed by the President of the Senate to prepare and submit resolutions commemorating his life, character and services to his state.

Adopted.

INTRODUCTION OF BILLS.

By Senator De Armand (by request), Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5-B of Title III of the 1907 Supplement of the Code.

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

REPORTS OF COMMITTEES.

Senator Smith of Mitchell, 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. 329, a bill for an act to amend Section thirteen hundred twelve (1312) of the Code relating to the listing of property for tax-

ation by persons acting in a fiduciary capacity, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking from line 3 of Section 1 the word "property" and inserting in lieu thereof the words "moneys and credits," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Senator Gilliland, 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. 68, a bill for an act to repeal Section 1306 of the Supplement to the Code, 1907, relating to issuance of bonds by cities and towns and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 415, a bill for an act to amend the law as it appears in Section 1306-b of the Supplement to the Code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating water-works, electric light and power plants, gas-works and heating plants, or building and constructing sewers, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 233, a bill for an act to amend the law as it appears in Sections 850-c, 850-e, 850-f of the Supplement to the Code, 1907, relating to parks and park commissioners, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 341, a bill for an act to amend the law as it appears in Section 1306-b of the Supplement to the Code, 1907, authorizing cities and incorporated towns to incur an indebtedness five per cent of the actual value of the taxable property within such cities or towns for the purpose of extending, etc., water-works, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 100, a bill for an act to amend Section 792 of the Code to provide for the oiling of streets and assessing the costs thereto to abutting property, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi river, being land of the character described in Section 1 of Chapter 212 of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in sections 25, 36, township 89 north, range 2 east, of the fifth principal meridian and authorizing and directing the Governor and the Secretary of State to issue a patent therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 256, a bill for an act to amend Sections 720, 721, 776 of the Supplement to the Code, 1907, relating to the purchase of water or gas-works, heat plants and electric plants, the granting of franchises.

and the submission of the question to the voters, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,

Chairman.

Ordered passed on file.

Senator Francis, 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. 13, a bill for an act to amend Section 2551 of the Supplement to the Code, 1907, relating to the protection of fish and game, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,

Chairman.

Passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 208, a bill for an act to repeal Sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred and seventy-a-1 (2570-a-1), twenty five hundred and seventy-b (2570-b), and twenty-five hundred and seventy-one (2571) of the Supplement to the Code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SENATE SUBSTITUTE FOR HOUSE FILE NO. 208.

A Bill for an Act to Repeal Sections Twenty-five Hundred and Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), Twenty-five Hundred and Seventy-b (2570-b), and Twenty-five Hundred and Seventy-one (2571) of the Supplement to the Code, 1907, relating to the Care of Persons Affected with Contagious Diseases, the Payment of Quarantine Expenses and the Publishing and Distribution of Regulations of Local Boards of Health.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That the law as it appears in sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred and seventy-a-1 (2570-a-1), twenty-five hundred and seventy-b (2570-b), and twenty-five hundred and seventy-one (2571) of the Supplement to the Code, 1907, are hereby repealed and the following enacted in lieu thereof:

“When any person shall be sick or infected with an contagious or infectious disease, dangerous to the public health, whether a resident or otherwise, the local board of health through the mayor or township clerk, shall make such provisions as are best calculated to protect the

inhabitants therefrom. But quarantine shall not be established or maintained or fumigation required except in cases of scarlet fever (including scarlet rash and scarletina), smallpox, diphtheria (including membranous croup), cholera, leprosy, cerebro-spinal meningitis and bubonic plague, and may remove such persons to a separate house, a house of detention or hospital. In case any person or persons liable for the support of such person under quarantine or restrained under and by virtue of this act, shall be financially unable to secure the proper care, provisions or medical attendance, it shall be the duty of the mayor or township clerk to procure for such diseased person, proper care, provisions, supplies and medical attendance, while so quarantined or restrained. All bills for supplies furnished and services rendered by order of the mayor or township clerk as herein provided, for persons removed to a separate house, or house of detention, or hospital, or for persons financially unable to provide for their sustenance and care, shall be allowed and paid for, only on a basis of the local market price for such provisions, services, and supplies in the locality in which such services and supplies may have been furnished. All services and supplies furnished to individuals or families under the provisions of this section must be authorized by the local board of health, or by the mayor or township clerk acting under a standing regulation of said local board, and a written order therefor designating the person or persons, employed to furnish such services or supplies, issued before said services or supplies were actually furnished, shall be attached to the bill when the same is presented for audit and payment. No bill for any expenses incurred for any person during quarantine, or for disinfecting premises or effects, shall be allowed or paid except in cases removed to a separate house, or house of detention, unless it shall be found that such person is financially unable to pay said bill.

“Provided that nothing contained in this section shall be construed to prevent any person removed to a separate house or house of detention or hospital, as herein provided, from employing, at his own expense, the physician or nurse of his choice, nor from providing such supplies and commodities as he may require. It is further provided that if the person receiving services or supplies be not a legal resident of the county in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said party claims residence or owns property and the board of supervisors of such county shall reimburse the county from which such claim is certified, in the full amount originally paid by it. If the party for whom said bills were incurred, be a non-resident and does not own real estate in Iowa, the mayor of the town or the clerk of the township shall have a lien upon and may take and retain possession of all baggage, moneys and other personal belongings to or in the possession of the said party, and such property so taken shall not be exempt from attachment or execution to the amount of the said bill and cost of enforcing the lien thereon.

Provided that all moneys so collected shall be paid over to the county treasurer to be used to pay quarantine expenses of said party. All

disinfections and fumigation for the protection of the public health shall be done under the direction of the local board of health which may direct the attending physician to superintend or perform the work, in conformity to the regulations of the state board. All bills and expenses incurred in carrying out the provisions of this section and establishing, maintaining and raising quarantine and furnishing necessary detention hospital shall be filed with the clerk of the local board of health. This board at its next regular meeting or a special meeting called for the purpose, shall examine and audit the same and if found correct, approve and certify the same to the county board of supervisors for payment. If the board of supervisors determine such bills payable, under the provision of this act, it shall order the county auditor to draw a warrant therefor upon the poor fund of said county. The forcible removal of infected persons, as herein provided, shall be effected by an application made to any civil magistrate in the manner provided in section twenty-five hundred and sixty-nine (2569) of the Code, for the removal and abatement of nuisances, who shall issue the warrant as directed in such cases, to remove such person or persons to the place designated by the local board of health and to take possession of the condemned or infected house, lodging, room, premises or effects. The officers designated by said magistrate shall be entitled to receive for such services such reasonable compensation as shall be determined by the local board of health. The amount so determined to be certified to and paid in the same manner as other expenses incurred under the provisions of this section."

Sec. 2. Local boards of health shall meet for the transaction of business on the first Monday of April and November in each year and at such other times as it may be deemed necessary. Local boards of health shall furnish to the state board of health reports of their proceedings at such time and in such form as may be reasonably required by the state board of health. They shall give notice of all regulations adopted by publication thereof in some paper of general circulation in the town, city or township or by posting a copy thereof in five public places therein. The secretary of the state board of health immediately after the adoption of any rules and regulation of said board, in accordance with Section 2 of this act, shall forward a certified copy of such rules to the county auditor of each county. Whenever such rules may be amended or changed, similar notice shall be forwarded to each county auditor. Upon receipt of such certified copy, the county auditor of each county shall have the same printed in pamphlet form in such numbers as may be required, for distribution to the several boards of health within the county. The clerk of each local board of health shall upon request furnish a copy of said rules to any resident physician or citizen. It shall be the duty of the official when establishing quarantine to furnish to the person or persons quarantined a copy of the rules and regulations governing such quarantine.

Sec. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and

Leader and Des Moines Daily Capital, newspapers published in Des Moines, Polk County, Iowa.

E. W. CLARK,
Chairman.

Substitute read first and second time and passed on file.

The President announced as committee, to prepare suitable resolutions commemorative of the life, character and public services of the late Hon. Samuel, H. Fairall, Senators White, Brown, and Allen of Pocahontas.

THIRD READING OF BILLS.

On motion of Senator Smith of Des Moines, Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Further consideration of the bill was postponed and made a special order to follow special order No. 1, House File No. 190.

REPORT OF COMMITTEE.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 290, a bill for an act to repeal Section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred and twenty-d (2820-d) of the Supplement to the Code, 1907, relative to the limit of indebtedness, etc., beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 290.

A Bill for an Act to Repeal Section Twenty-eight Hundred Twenty-a (2820-a), Twenty-eight Hundred Twenty-b (2820-b), Twenty-eight Hundred Twenty-c (2820-c), and Twenty-eight Hundred Twenty-d (2820-d) of the Supplement to the Code, 1907, and to Enact a Substitute therefor Relative to the Limit of Indebtedness of Independent School Districts.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c), and twenty-eight hundred twenty-d (2820-d) of the Supplement to the Code, 1907, be and the same are hereby repealed and the following enacted in lieu thereof:

Any independent school district containing, or contained in, any incorporated town or city of the first or second class shall be allowed to become indebted, for the purpose of building and furnishing a school house or houses and procuring a site therefor, to an amount not exceeding in the aggregate, including all other indebtedness, two and one-half per centum of the actual value of the taxable property within such independent school district, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section thirteen hundred six-b (1306-b) of the Supplement to the Code, 1907, to the contrary notwithstanding.

Sec. 2. Provided, that before such indebtedness can be contracted in excess of one and one-quarter per centum of the actual value of the taxable property ascertained as provided in this act, a petition signed by forty per cent of the qualified electors voting at the last general election of such independent district; shall be filed with the president of the board of directors, asking that an election shall be called, stating the purpose for which the money is to be used, and that the necessary school house or houses cannot be built and furnished within the limit of one and one-quarter per centum of the valuation. Provided, in all cases contemplated in this section, a petition signed by twenty-five hundred (2,500) or more of the qualified electors of such independent district shall be deemed sufficient, and only those electors, including women, who are also owners of real property in such independent district, shall be qualified to sign such petition.

Sec. 3. The president of the board of directors, on receipt of such petition shall, within ten (10) days call a meeting of the board who shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election. Four weeks notice of such election shall be given by publication once each week, in some newspaper published in the said town or city, or if none be published therein, in the next nearest town or city in the county. At such election the ballot shall be prepared and used in substantially the following form:

- ☐ Yes. Shall the (naming the independent district) issue bonds
☐ No. in the sum of dollars (\$....) for
the purpose of constructing or equipping school houses.

Sec. 4. If sixty (60) per cent or more of all the electors voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment of the same and the interest thereon as provided in sections twenty-eight hundred twelve-d (2812-d), twenty-eight hundred twelve-e (2812-e), twenty-eight hundred twelve-f (2812-f) and twenty-eight hundred thirteen (2813) of the Supplement to the Code, 1907.

Sec. 5. This act being deemed of immediate importance shall be in full force and effect on and after its publication in The Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

J. H. ALLEN,
Chairman.

Substitute read first and second time and passed on file.

THIRD READING OF BILLS.

By unanimous consent, on motion of Senator Dowell, Senate File No. 290, a bill for an act to repeal Section Twenty-eight Hundred Twenty-a (2820-a), (2820-b), (2820-c), (2820-d), of the Supplement to the Code, 1907, relative to the limit of indebtedness of independent school districts, and enact a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Seeley offered the following amendment and moved its adoption:

I move to amend Section 4 by striking out the words "sixty per cent" in line one of the substitute and insert in lieu thereof the words "seventy per cent."

Senator Savage moved that the further consideration of the bill be postponed until Monday.

The motion was lost.

The amendment offered by Senator Seeley was lost.

Senator Clarkson offered the following amendment and moved its adoption:

Amend by inserting the following as Section 5:

Sec. 5. But this act shall in no wise effect pending litigation nor act or acts of any school board under the statute or statutes herein repealed but the transaction, if any, may be completed with the same force and effect as if the statute were not repealed.

Adopted.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larraabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Armand, De Wolf, Fitchpatrick, Hammill, McCulloch, Nichols, Proudfoot, Savage, Van Law, Wilson—12.

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 Senate is asked:

House File No. 346, a bill for an act to amend the law as it appears in Sections 1087-a-1, 1087-a-5, 1087-a-6, 1087-a-10, 1087-a-12, 1087-a-14, 1087-a-19, 1087-a-21, 1087-a-22, 1087-a-24, 1087-a-25, 1087-a-26, 1087-a-27 of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections 1087-a-13, 1087-a-15 and 1087-a-18 of the Supplement to the Code, 1907, and

to enact substitutes therefor, relating to the holding of primary elections by political parties.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Adams, Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Adams moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Dowell, Fitchpatrick, Ham-mill, McCulloch, Maytag, Proudfoot, Smith of Mitchell, Stuck-slager, Van Law—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Des Moines, Senate File No. 248, a bill for an act to repeal paragraph five (5) of Section Thirty-six Hundred Eighty-eight (3688) of the Code, and to enact a substitute therefor, relating to challenges for cause, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith of Des Moines moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Fitchpatrick, Hammill, McCulloch, Proudfoot, Smith of Mitchell, Stuckslager, Van Law, Wilson—11.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 245, a bill for an act to amend Section Two Thousand Five Hundred Eighty-eight (2588) of the Code, relating to the sale of drugs, medicines, poisons, and chemicals, and providing for the sale of concentrated lye, potash, and insecticides by persons other than registered pharmacists, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendments:

By adding after the word "potash" in line 6, the words "fly paper"; also by adding after the word "kind" in line 6, the words "if contained in sealed packages"; also adding the words "fly paper" after the word "potash" in line 9.

Adopted.

Senator Nichols offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting before the words "concentrated lye" the words "denatured alcohol" and a comma after the word "alcohol," and further amend the bill by adding at the end of the section the words, "the vendor of denatured alcohol shall in all cases place upon the vessel in which the same is sold a label in plain letters reading as follows: "Denatured Alcohol, Poison."

Adopted.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the word "kind" in the fourth line the words, "except Paris Green."

Adopted.

Senator Saunders moved to amend the title by inserting the words "denatured alcohol"; also the words "fly paper" after the word "potash."

Adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Whipple, White Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Fitchpatrick, Hammill, McCulloch, Mattes, Proudfoot, Smith of Mitchell, Stuckslager, Taylor, Van Law—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Moon, Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Otumwa Cemetery Association, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bennett, Bruce, De Wolf, Fitchpatrick, Ham-mill, McCulloch, Maytag, Proudfoot, Saunders, Smith of Mitchell, Stuckslager, Van Law—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Moon, Senate File No. 269, a bill for an act amending the law as it appears in Section Sixteen Hundred Fifty (1650) of the Code, relating to the re-incorporations of the cemetery associations, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Moon moved the adoption of the following amendments:

Amend Section 1 by striking out the period at the end of said Section, and adding thereto the following words: "For the use and benefit of all of the shareholders in the original corporation."

Amend the bill further by adding thereto the following as Section 2:

"Section 2. This act being deemed of immediate importance shall take effect and be in force on and after its publication in The Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa."

The bill was read for information.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Fitchpatrick, Hammill, Larabee, McCulloch, Maytag, Proudfoot, Smith of Mitchell, Stucklager, Van Law—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 herewith asks the recall of the following bill:

House File No. 108, a bill for an act to repeal Section sixteen hundred seventy-five (1675) of the Supplement to the Code and to enact a substitute therefor, relative to farmers' institutes.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate Substitute amendment to the following bill in which the concurrence of the House was asked:

House File No. 5, a bill for an act to amend the law as it appears in Section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts, and the collection of property road tax.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 22, a bill for an act to amend the law as it appears in Section Seven Hundred and Forty (740) of the 1907 Supplement to the Code, relating to aiding by taxation the maintenance of any institution of learning or benevolence, including hospitals acquired by any city, county, town or school corporation by gift or devise, was taken up and considered.

Senator Peterson moved the adoption of the following House amendments:

Amend by striking out the words "learning or" in the third line of the title and by striking out the words "or school corporation" in the last line.

Also by striking out of said bill the words "or school corporation" in the fourth, ninth, thirteenth, fifteenth, eighteenth, twenty-fifth, twenty-sixth, twenty-ninth, thirtieth, and thirty-first lines of Section 1.

Also by striking out the words "learning or" in line 5 of Section 1, also amend by inserting the word "or" in line 4 between the words "city" and "town."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand,

Dowell, Foley Francis, Frudden, Gates, Hoyt, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bennett, Bruce, De Wolf, Fitchpatrick, Gilliland, Hammill, Hunter, McCulloch, Maytag, Proudfoot, Stuckslager, Van Law, Whiting—14.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Allen of Van Buren, Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking out the word "two" wherever it occurs before the word "terms" and inserting in lieu thereof the word "one."

Senator McManus moved that the further consideration of the bill be postponed until Wednesday.

The motion to postpone was lost.

By unanimous consent the amendment of Senator Saunders was withdrawn.

Senator Allen of Van Buren offered the following amendment and moved its adoption:

I move to amend the bill by striking out the period following the word "force" and adding thereto the words "except as herein modified."

Adopted.

Senator Allen of Van Buren moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Larrabee, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Fitchpatrick, Hammill, Hunter, McCulloch, Maytag, Proudfoot, Stuckslager, Van Law, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Foley, House File No. 261, a bill for an act to legalize the special election held in the city of New Hampton, Iowa, on the fifth day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of eighteen thousand dollars (\$18,000.00) for the purpose of erecting a combined water works, electric light and power plant and water tower and tank, and to validate and legalize the bonds issued in pursuance of said election, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Foley moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates Gilliland, Hoyt, Larrabee, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Wolf, Fitchpatrick, Hammill, Hunter, McCulloch, Mattes, Proudfoot, Ream, Saunders, Stuckslager, Van Law, 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 Mattes, House File No. 218, a bill for an act to amend Section Seven Hundred Thirty-two (732) Supplement to the Code, 1907, relative to the levying of taxes for public libraries, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, Cosson, De Armand, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Larrabee, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting—31.

The nays were:

Senators Dowell, Saunders, Wilson—3.

Absent or not voting:

Senators Balkema, Bruce, Clark, De Wolf, Fitchpatrick, Ham-mill, Hunter, McCulloch, McManus, Moon, Proudfoot, Ream, Smith of Mitchell, Stuckslager, Van Law—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Sammis, Senate File No. 185, a bill for an act to amend Section Two Thousand Five Hundred and Eighty-nine-b (2589-b) of the Code Supplement, 1907, relative to the requirements of applicants for registration as pharmacists, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendments:

Amend the bill by striking out Section Two and also amend the title and Section One of same by striking out the word "Code" preceding the word "Supplement" in the title and Section One thereof, and inserting in lieu thereof and immediately after the word "Supplement" the words "to the Code."

Senator Sammis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, Clark, De Wolf, Fitchpatrick, Ham-mill, McCulloch, McManus, Proudfoot, Stuckslager, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Saunders moved that the time of adjournment be extended until 12:30 o'clock.

The motion was lost.

Senator Cosson moved that the time of adjournment be extended pending the correction of the journal and reading of House messages.

Carried.

Senator Allen of Pocahontas moved that when the Senate adjourn it be until 1:30 o'clock P. M.

Carried.

The Journals of Thursday and Friday were taken up, corrected and approved.

REPORTS OF COMMITTEE.

Senator Cosson, 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. 76, a bill for an act to repeal Section 2448-1 of the 1907 revision of the Code and Sections 2432 and 2445 of the 1897 Code, relating to the statement of consent, payment of mulct tax and distribution of the same, and enacting substitutes therefor, beg leave to report they have had the same under consideration and recommend the following substitute be substituted for the original bill:

SUBSTITUTE FOR SENATE FILE NO. 76.

A Bill for an Act to Prohibit any Person, Except a Qualified Elector, From Engaging in the Sale of Intoxicating Liquors at Retail, and to Prohibit any Person, Firm, Association or Corporation Engaged or Interested in the Manufacture, Brewing, Distilling or Refining of Intoxicating liquors, from Owning or Leasing any Building, Fixtures, Furniture or Apparatus to be used for the Purpose of Selling Intoxicating liquors at Retail.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. No one except a qualified elector of the town, city or township in which the business is conducted and carried on shall engage in the sale of intoxicating liquors at retail.

Sec. 2. No person, firm, association or corporation and no officer, member, stockholder, agent or employee of any such firm, association or corporation engaged in the manufacture, brewing, distilling or refining of intoxicating liquors shall be interested or engaged, either directly or indirectly, in the retail sale of intoxicating liquors, or own, operate or lease any building, erection or place to be used for the sale or keeping for sale of intoxicating liquors at retail, or own or lease or be interested in, either directly or indirectly, any fixtures, furniture, or apparatus to be used in the retail sale of intoxicating liquors.

Sec. 3. Any person, firm, association or corporation, or any agent or officer of such firm, association or corporation, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to all of the penalties, both civil and criminal, provided in chapter 6, title XII of the Code, the Supplement of the Code, 1907, and amendments thereto.

Sec. 4. All acts and parts of acts, in so far as they are in conflict with this act, are hereby repealed.

Sec. 5. This act shall take effect and be in force on and after the first day of January, 1910, and when so amended the bill do pass.

GEORGE COSSON,

Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Suppression of Intemperance, to whom was referred Senate File No. 35, a bill for an act to amend the law as it appears in subdivision two (2) of Section twenty-four hundred forty-eight (2448) of the 1907 Supplement to the Code, relative to the location of places wherein intoxicating liquors are sold, beg leave to report they have had the same under consideration and recommend the following substitute be substituted for the original bill:

SUBSTITUTE FOR SENATE FILE NO. 35.

A Bill for an Act to Amend the Law as it Appears in Subdivision Two (2) and Subdivision Six (6) of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, Relative to the Location or Place Wherein Intoxicating Liquors are Sold, and the Furnishing of Lunch Therein.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in subdivision two (2) of Section twenty-four hundred forty-eight (2448) of the Supplement to the Code, 1907, be amended by inserting after the word "school-house" in the eighth line of said subdivision 2 of said Section the words "public library building."

SEC. 2. That the law as it appears in subdivision six (6) of Section twenty-four hundred forty-eight (2448) of the Supplement to the Code,

1907, be amended by striking out the period at the close of said Section and inserting in lieu thereof a comma, and adding thereto the following: "and no lunch, free or otherwise, shall be furnished therein," and when so amended the bill do pass.

GEORGE COSSON,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Suppression of Intemperance, to whom was referred Senate File No. 298, a bill for an act amending the law as it appears in paragraph 2 of Section twenty-four hundred forty-eight (2448) of the Supplement to the Code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors, beg leave to report they have had the same under consideration and recommend the following substitute be substituted for the original bill:

SUBSTITUTE FOR SENATE FILE NO. 298.

A Bill for an Act Limiting the Number of Persons to Whom City or Town Councils may, by Resolution, Grant Consent to sell Intoxicating Liquors, and to Prohibit any Person who has been Convicted or Enjoined for Violating the laws of the State Relating to the Sale or Disposition of Intoxicating Liquors, from Engaging in the Sale of Intoxicating Liquors within five years from the date thereof.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. From and after the passage of this act, no city or town council shall, by resolution, grant consent to sell intoxicating liquors as a beverage to a greater number of persons than one to every one thousand, or major fraction thereof, of the population of said city or town as shown by the last preceding state or national census provided, however, that in towns where the law has been otherwise complied with, the town council of any incorporated town of one thousand population or less, may by resolution grant consent to one person to sell intoxicating liquors as a beverage in such town.

Sec. 2. In all cities and towns where a greater number of persons than are provided in Section 1 hereof, now hold resolutions of consent to sell intoxicating liquors, it shall not be mandatory under the provisions of this act for city or town councils to cancel or withdraw a sufficient number of such resolutions of consent to comply with the provisions of Section 1 hereof; provided, however, that in case any resolution of consent now in force shall be cancelled or withdrawn, or for any reason become inoperative, no new additional resolution shall be granted to any person except in accordance with the provisions of Section 1 of this act.

Sec. 3. No person who has been convicted of violating the laws of this state relating to the sale of intoxicating liquors, or who has been permanently enjoined by any court of this state for such violation, shall be permitted to sell intoxicating liquors in this state within five (5) years from the date of such conviction or injunction, and no resolution of consent or permit shall be granted such person within said period.

Sec. 4. No resolution of consent granted by any city or town council in violation of the provisions of this act, shall be valid or of any force or effect, or operate as a bar against any of the penalties provided in chapter 6, title XII of the Code, the Supplement to the Code, 1907, and amendments thereto and supplementary thereof.

Sec. 5. All acts and parts of acts, in so far as they are in conflict with this act, are hereby repealed, and when so amended the bill do pass.

GEORGE COSSON,
Chairman.

Substitute read first and second time and passed on file.

INTRODUCTION OF BILLS.

By Senator Francis (by request), Senate File No. 345, a bill for an act authorizing seining of certain kinds of fish along the Mississippi River and other boundary waters in the State of Iowa, and providing a license fee therefor, and fixing the amount of such fee and the conditions under which such license may be issued.

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

By Senator Frudden, Senate File No. 346 a bill for an act amending Section Five Hundred Sixty-five (565) of the Code, relating to the appointment of deputy assessors in any township including a city of special charter.

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

By Senator Taylor, Senate File No. 347, a bill for an act to make an appropriation for the erection of a monument, and otherwise beautify the lot where rests the remains of Wilson A. Scott.

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

By Senator Allen of Pocahontas, Senate File No. 348, a bill for an act to repeal Section Sixty-nine (69) of the Code, and to

enact a substitute therefor providing for a report by the board of Parole, also to amend Section Two Hundred and Ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section Four Hundred and Seventy-five (475) of the Code relating to the report of county auditors, also amending Section Five Thousand Six Hundred Forty-one (5641) of the Code relating to the duties of the sheriff.

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

HOUSE MESSAGES CONSIDERED.

House File No. 108, a bill for an act to repeal Section Sixteen Hundred Seventy-five (1675) of the Supplement to the Code and to enact a substitute therefor, relative to Farmers' Institutes.

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

House File No. 5, a bill for an act to amend the law as it appears in Section 1532-a Code Supplement of 1907, relative to the duties of township trustees, the election and compensation of road superintendents, the division and consolidation of road districts and the collection of property road tax.

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

House File No. 346, a bill for an act to amend the law as it appears in Sections One Thousand Eighty-seven-a1 (1087-a1), One thousand Eighty-seven-a5 (1087-a5,) One Thousand Eighty-seven-a6 (1087-a6), One Thousand Eighty-seven-a10 (1097-a10), One Thousand Eighty-seven-a12 (1087-a12), One Thousand Eighty-seven-a14 (1087-a14), One Thousand Eighty-seven-a19 (1087-a19), One Thousand Eighty-seven-a21 (1087-a21), One Thousand Eighty-seven-a22 (1087-a22), One thousand Eighty-seven-a24 (1087-a24), One Thousand Eighty-seven-a25 (1087-a25), One Thousand Eighty-seven-a26 (1087-a26), and One thousand Eighty-seven-a27 (1087-a27) of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections One thousand Eighty-seven-a13 (1087-a13), One thousand Eighty-seven-a15 (1087-a15) and One Thousand Eighty-seven-a18 (1087-a18), of the Supplement to the Code, 1907, and to enact substitutes therefor, relating to the holding of primary elections by political parties.

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

Senator Frudden moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M., President Clarke presiding.

On request of Senator Wilson leave of absence was granted Senator Foley until Monday.

PETITIONS AND MEMORIALS.

Senator Saunders presented remonstrance from citizens of Pottawattamie County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Allen of Van Buren presented petition from citizens of Jefferson County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Adams presented remonstrance from citizens of Fayette County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Saunders asked unanimous consent that Senate File No. 271 be made a Special Order for Tuesday, March 16, at 2 o'clock, P. M.

Consent granted.

Senator Moon asked unanimous consent that Senate File Nos. 83 and 84 be made Special Orders for Wednesday, March 17, at 10:00 o'clock, A. M.

Consent granted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 182, a bill for an act for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

C. R. BENEDICT,
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. 278, a bill for an act to authorize the issuance of a search warrant and the seizure of cigarettes and cigarette papers.

C. R. BENEDICT,
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. 229, a bill for an act relating to fish and game, making appropriation for the fish and game commission of the state of Iowa.

C. R. BENEDICT,
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. 166, a bill for an act to amend Section 1400-f of the Supplement to the Code, 1907, providing for additional forest trees.

C. R. BENEDICT,
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. 189, a bill for an act to add to the provisions of Title nine (9), Chapter three (3), Supplement to the Code of 1897, additional to Section sixteen hundred sixty-one-a (1661-a).

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 101, a bill for an act changing the name and official title of the various poor farms of the State of Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE FILE NO. 101.

A Bill for an Act to Amend Sections Four Hundred Twenty-three (423) and Amendments thereto, Two Thousand Two Hundred Thirty-one (2231), Two Thousand Two Hundred Thirty-three (2233), Two Thousand Two Hundred Forty-one (2241), Two Thousand Two Hundred Forty-two (2242), Two Thousand Two Hundred Forty-three (2243), Two Thousand Two Hundred Forty-four (2244), Two Thousand Two Hundred Forty-five (2245), Two Thousand Two Hundred Forty-six (2246), Two Thousand Two Hundred Forty-eight (2248), Two Thousand Two Hundred Forty-nine (2249), Two Thousand Two Hundred Seventy-one (2271), Two Thousand Two Hundred Thirty-four (2234), Two Thousand Two Hundred Thirty (2230) and Two Thousand Three Hundred Eight (2308) and amendments thereto, of the Code Relating to the care and Support of the Poor.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249) and two thousand two hundred seventy-one (2271) of the Code, be and the same are hereby amended by striking out of each of said sections the word "poor-house" wherever it occurs, and inserting in lieu thereof the words "county home."

Sec. 2. That section two thousand two hundred thirty-four (2234) of the Code be, and is hereby amended by striking from said section the word "poor-houses" occurring in the fourteenth line of said section, and inserting in lieu thereof the words "county homes."

Sec. 3. That sections two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) with amendments thereto, of the Code be, and the same are hereby amended by striking out of each of said sections the word "poorhouse" whenever it occurs and inserting in lieu thereof the word "home," and when so amended the bill do pass.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Bruce, Clark, Cosson, De Wolf, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Maytag, Parshall, Proudfoot, Sammis, Stuckslager, Van Law—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

THIRD READING OF BILLS.

On motion of Senator Allen of Van Buren, Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the School Fund by the Board of Directors of the Independent School District of Farmington, in Van Buren County, State of Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Van Buren moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Bruce, Clark, Cosson, De Wolf, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Parshall, Proudfoot, Stuckslager, Van Law—15.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Pocahontas, Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks, further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas moved the adoption of the following amendments:

Amend the title by striking out the words "a bill" in the second line thereof.

Amend the title by inserting after the word "section" in the second line thereof, the words "seventeen hundred and fifty-eight-a" and by enclosing the figures "1758-a" in a parenthesis.

Amend the title by inserting after the word "section" in the third line thereof the words "seventeen hundred and nine" and by enclosing the figures "1709" in a parenthesis.

Amend the title by inserting after the word "section" in the eighth line thereof the words "seventeen hundred and ten" and by enclosing the figures "1710" in a parenthesis.

Amend Section 1 of the bill by inserting after the word "section" in the first line, the words "seventeen hundred and fifty-eight-a" and by enclosing in a parenthesis the figures and letter "1758-a."

Amend Section 2 of the bill by inserting after the word "section" in the first line, the words "seventeen hundred and nine," and by enclosing the figures "1709" in a parenthesis.

Amend Section 2 of the bill by adding the letter "s" to the word "bill" in the 5th line.

Amend Section 3 by inserting after the word "section" in the first line the words "seventeen hundred and ten" and by inserting the figures "1709" in a parenthesis.

Amend Section 3 of the bill by striking out the word "is" in the 35th line and by inserting the word "if" in lieu thereof.

Adopted.

Senator Allen of Pocahontas moved the adoption of the following amendment:

Amend the bill by striking out the last four lines thereof.
The amendment was lost.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend by striking out the word "Daily" as it appears in line three, Section 4, before the word "Capital."

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend Section 2 by striking out the word "including" in line six of said section in the printed bill and inserting the word "and."

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend Section 3 by striking out all the words in line thirty-two of the printed bill following the word "companies" in said line; all of the words in line thirty-three of said printed bill before the word "that" in said line.

Adopted.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Bruce, Clark, Cosson, De Wolf, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Maytag, Parshall, Proudfoot, Ream, Sammis, Stuckslager, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Concurrent Resolution relative to the appointment of a committee to investigate into the matter of reappointing the judicial districts of Iowa.

Be it Resolved by the House of Representatives, the Senate Concurring, That a committee of five be appointed, three by the Speaker of the House on the part of the House, and two by the President of the Senate on the part of the Senate, to investigate and if deemed advisable, to reapportion the State of Iowa into judicial districts on a basis that in their judgment will best serve the people of the state and place our judicial districts on a reasonable working basis that will be fair and equitable to all portions of the state, and to report their recommendations back to this General Assembly not later than March 25, 1909.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 319, a bill for an act authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damage arising from the construction thereof, with report of committee

recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Francis moved the adoption of the following amendments:

Amend Section 1 by adding after the word "may" in the first line thereof, the words "under such regulations as they may from time to time prescribe."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

Amend by striking out the word "therein" in line 2 of Section 1.

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

Amend Section 1 by striking from the second line thereof the words "from time" and inserting in lieu thereof the word "at."

Adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess Chapman, Clarkson, De Armand, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—30.

The nays were:

Senator Peterson—1.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Proudfoot, Sammis, Stuckslager, Taylor, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Whipple, Senate File No. 324, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section Three Thousand Two Hundred Sixty-j (3260-j) of Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clarkson, De Armand, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—30.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Hammill, McCulloch, McManus, Mattes, Proudfoot, Sammis, Stuckslager, Van Law—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping or rooming of unmarried females under the age of eighteen years in any house,

building, or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Saunders, moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Burgess, Chapman, Clarkson, Cosson, Francis, Frudden, Gates Gilliland, Hoyt, Hunter, Larrabee Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Proudfoot, Sammis, Stuckslager, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Mitchell, Senate File No. 329, a bill for an act to amend Section Thirteen Hundred Twelve (1312) of the Code, relating to the listing of property for taxation by persons acting in a fiduciary capacity, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Smith of Mitchell, moved the adoption of the following amendments:

By striking from line three of Section One the word "property" and inserting in lieu thereof the words "moneys and credits."

The bill was read for information.

Senator Smith of Mitchell moved to amend the title by striking from line three, Section One the word "property" and inserting in lieu thereof the words "moneys and credits."

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman Clark, Clarkson, Cosson, De Armand, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Bruce, De Wolf, Dowell, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Maytag, Parshall, Peterson, Proudfoot, Sammis, Seeley, Stuckslager, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Seeley, Senate File No. 256, a bill for an act to amend Section Fifteen Hundred and Seventy (1570) of the Supplement to the Code, 1907, and to provide for the growing of posts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clarkson, Cosson, Francis, Frudden, Gilliland, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting, Wilson—28.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Gates, Hammill, McCulloch, McManus, Maytag, Parshall, Proudfoot, Sammis, Smith of Mitchell, Stuckslager, Van Law—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Chapman, Senate File No. 321, a bill for an act to prohibit the use of type larger than ten (10) point long primer or smaller than six (6) point nonpareil in the publication of notices of suicides and prescribing conditions for such publication, and providing a penalty for violators thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting in the third line after the word "nonpareil" the following: "the type to be same as used in body type of newspapers or periodicals."

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Clarkson, Larrabee, Moon, Nichols, Peterson, Ream, Smith of Mitchell, Whipple—8.

The nays were:

Senators Bennett, Sammis—2.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Parshall, Proudfoot, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor Van Law, White, Whiting, Wilson—39.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator Clarkson, Senate File No. 334, a bill for an act to amend Section Thirty-three Hundred and Five (3305) Supplement of the Code, 1907, relative to the time of granting administrations, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Clarkson moved the adoption of the following amendments:

Amend the title to said bill by inserting after the word "amend" appearing in the first line thereof, the words "the law as it appears in."

Amend the bill by inserting before the word "that" in the first line thereof, the words and figures "Section 1," and by inserting after the word "That" in the first line thereof, the words "the law as it appears in."

Adopted.

The bill was read for information.

Senator Savage moved that the further consideration of the bill be postponed until Wednesday.

Adopted.

On motion of Senator Nichols, House File No. 251, a bill for an act to amend Section Four Thousand Nine Hundred and Thirty-six (4936) of the Supplement to the Code, 1907, of Iowa, relative to marriage of cousins, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Peterson offered the following amendments and moved their adoption:

Amend the title by inserting after the word "amend" the words "the law as it appears in."

Also by striking out the words "of Iowa" in the title.

Also amend Section 1 by inserting after the word "that" in the first line, the words "the law as it appears in."

Senator Nichols moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clarkson, Cosson, De Armand, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—30.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Mattes, Proudfoot, Sammis, Stuckslager, Taylor, Van Law—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Frudden, Senate File No. 283, a bill for an act making Section One Thousand Five Hundred and Thirty (1530) of Chapter Two (2), Title Five (5) of the Code, applicable to cities acting under special charters, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Frudden moved that the substitute be substituted for the original bill.

Carried.

Senator Frudden moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clarkson, De Armand, Francis, Frudden, Gates, Hoyt, Hunter, Maytag, Nichols, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—28.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Gilliland, Hammill, Larrabee, McCulloch, McManus, Mattes, Moon, Peterson, Proudfoot, Stuck-slager, Van Law—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, Senate File No. 314, a bill for an act to repeal Sections 2563-a, 2563-b, 2563-c, 2563-d, 2563-e, 2563-f, 2563-g, 2563-h, of the Supplement to the Code, 1907, relating to protection of game, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Francis offered the following amendments:

I move to amend the printed bill as follows:

1. By striking out of the title in the last two lines the words "in lieu thereof the following," and substituting therefor the words "a substitute therefor."

2. By striking out the word 'each' in line two (2) of Section Four (4) and substituting therefor the word "the."

3. By adding in line twelve (12) of Section Four (4) between the words "and" and "if" the words "said applicant."

4. By inserting between the words "game" and "he" in line five of Section Seven (7) the word "unless."

5. By striking out the word "Section" in line sixteen (16) of Section Seven (7) and substituting therefor the word "act."

Further consideration of the bill was postponed.

Senator Savage moved that the Senate return to the House, House File No. 108, as requested by the House.

Carried.

On motion of Senator Saunders, Senate File No. 96, a bill for an act to amend Section One Thousand Four Hundred and Seven (1407) of the Supplement to the Code, 1907, relating to the collection of delinquent personal property tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clarkson, Cosson, De Armand, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Bruce, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Hammill, McCulloch, McManus, Matthes, Proudfoot, Stuckslager, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 306, a bill for an act to amend the law as it appears in Section Four Thousand One Hundred Fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of Notice of Appeal, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clarkson, Cosson, De Armand, Francis, Gates, Gilliland, Hoyt, Hunter, Larrabee, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Bruce, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Hammill, McCulloch, McManus, Mattes, Proudfoot, Stuckslager, Van Law, Whiting—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 307, a bill for an act to amend Section Four Thousand One Hundred Thirty-nine (4139) of the Code, relating to practice in the Supreme Court, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Chapman, Clarkson, Cosson, De Armand, Francis, Frud-den, Gates, Hoyt, Hunter, Larrabee, Maytag, Moon Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Bruce, Burgess, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Gillilland, Hammill, McCulloch, McManus, Mattes, Proudfoot, Stuckslager, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Gillilland, Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Section Twenty-five Hundred and Seventy-five-a-forty-eight (2575-a-48) and Section Twenty-five Hundred nad Seventy-five-a-forty-nine (2575-a-49) of the Supplement to the Code, 1907.

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

By Senator Taylor, Senate File No. 350, a bill for an act to prevent placing obstructions on the streets and highways and providing a penalty therefor.

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

Senator Bennett filed the following motion to reconsider.

I move to reconsider the vote by which Senate File No. 321 passed to its third reading and failed upon its passage.

T. W. Bennett.

Senator Gillilland moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 15, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. T. Hagerman of Des Moines, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Sammis for the day.

On request of Senator Saunders, leave of absence was granted Senator Clarkson for the day.

On request of Senator Adams, leave of absence was granted Senator McCulloch for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Savage for the day.

On request of Senator Clark, leave of absence was granted Senator Mattes for the day.

On request of Senator Van Law, leave of absence was granted Senator Fitchpatrick for the day.

On request of Senator Smith of Des Moines, leave of absence was granted Senator McManus until Tuesday.

On request of Senator Taylor, leave of absence was granted Senator Bruce for the day.

On request of Senator Peterson, leave of absence was granted Senator Balkema for the day.

PETITIONS AND MEMORIALS.

Senator Burgess presented petition from citizens of Fremont County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

HOUSE MESSAGES CONSIDERED.

House File No. 229, a bill for an act relating to fish and game, making appropriation for the Fish and Game Commission of the State of Iowa.

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

House File No. 166, a bill for an act to amend Section 1400 of the Supplement to the Code, 1907, providing for additional forest trees.

Read first and second time and referred to Committee on Horticulture and Forestry.

House File No. 189, a bill for an act to add to the provisions of Title Nine (9), Chapter Three, (3), Supplement to the Code of 1897, additional to Section Sixteen Hundred Sixty-one-a (1661-a).

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

Senate File No. 182, a bill for an act for the relief of the grantees of Joel J. Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

Passed on file.

House File No. 278, a bill for an act to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers.

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

Concurrent Resolution relative to the appointment of a committee to investigate into the matter of re-apportioning the Judicial Districts of Iowa.

Passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 174, a bill for an act to provide for the payment of bounties for killing groundhogs.

C. R. BENEDICT,
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. 81, a bill for an act to provide for the payment of a reward for the arrest and conviction of persons stealing livestock in the State of Iowa.

C. R. BENEDICT,
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. 250, a bill for an act to repeal Title eleven of the Code and the law as it appears in Title eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns the following bill as requested by the Senate:

Senate File No. 141, a bill for an act to repeal Section 1363 of the Code, relative to statistics, and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 73, a bill for an act to repeal Section Eleven Hundred Seventy-seven (1177) of the Code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Saunders moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Moon, Nichols, Peterson, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, Clarkson, Dowell, Fitchpatrick, Gilliland, McCulloch, McManus, Mattes, Maytag, Parshall, Proudfoot, Quigley, Sammis, Savage—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 338, a bill for an act to amend the law as it appears in Section Ten Hundred Sixty (1060) of the Supplement to the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election, was taken up and considered.

The bill was read for information.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, Clarkson, Fitchpatrick, Gilliland, Hoyt, McCulloch, McManus, Mattes, Maytag, Parshall, Sammis, Savage—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clark, House File No. 243, a bill for an act legalizing ordinances numbers Thirty-eight and Thirty-nine, establishing the grades of streets and side walks in the incorporated town of Deep River, Poweshiek County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bruce, Clarkson, Fitchpatrick, Gilliland, McCulloch, McManus, Mattes, Maytag, Parshall, Sammis, Saunders, Savage—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 Ream, Senate File No. 254, a bill for an act to provide for the employment of prisoners in the County jails and for paying their earnings to their families, with report of com-

mittee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Ream moved the adoption of the following amendment:

Amend by substituting the word "may" for the word "shall" in the first line of Section 1 thereof and by striking out all of Section 1 after the word "fine" in line five and placing a period after the word "fine."

Adopted.

Senator Ream moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Foley, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, Clarkson, Fitchpatrick, Francis, Gilliland, McCulloch, McManus, Mattes, Maytag, Parshall, Sammis, Saunders, Savage, Taylor—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Van Law, Senate File No. 35, a bill for an act to amend the law as it appears in sub-division two (2) of Section Twenty-four Hundred Forty-eight (2448) of the 1907 Supplement to the Code, relative to the location of places wherein intoxicating liquors are sold, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Van Law moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend by striking out Section 2 of the substitute bill.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Brown, Burgess, De Armand, De Wolf, Foley, Frudden, Hoyt, Smith of Des Moines, Wilson—11.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Clark, Cosson, Dowell, Francis, Hammill, Hunter, Larrabee, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—23.

Absent or not voting:

Senators Balkema, Bruce, Chapman, Clarkson, Fitchpatrick, Gates, Gilliland, McCulloch, McManus, Mattes, Maytag, Parshall, Quigley, Sammis, Savage—15.

The amendment was lost.

Senator Van Law moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Clark, Cosson, Dowell, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—30.

The nays were:

Senators De Armand, Frudden, Quigley, Wilson—4.

Absent or not voting:

Senators Balkema, Bruce, Chapman, Clarkson, De Wolf, Fitchpatrick, Gilliland, Larrabee, McCulloch, McManus, Mattes, Parshall, Sammis, Savage, Smith of Des Moines—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Proudfoot, Senate File No. 301, a bill for an act to amend Section Three Hundred and Sixty (360) of the Code, relating to bonds by Guarantee Companies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Proudfoot moved that Senate File No. 301 be substituted for House File No. 44.

Carried.

The bill was read for information.

Senator Proudfoot moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Hammill, Hunter, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—27.

The nays were:

Senators Adams, Bennett, Brown, Hoyt, Larrabee, McCulloch, Nichols, White, Wilson—9.

Absent or not voting:

Senators Balkema, Bruce, Chapman, Fitchpatrick, Gates, Gilliland, McManus, Mattes, Maytag, Sammis, Saunders, Savage, Smith of Des Moines—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Moon, Senate File No. 298, a bill for an act to amend the law as it appears in paragraph 2 of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Moon moved that the substitute be substituted for the original bill.

Carried.

Senator Moon offered the following amendment and moved its adoption:

I move to amend Section 2 of the substitute by inserting after the word "reason" and before the word "becomes" in the eighth line thereof the following, "other than the death of the holder thereof."

Adopted.

The bill was read for information.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the word "council" in line two of said section, the following, "of any city or town having a population of five thousand or over."

Senator Allen of Van Buren moved the previous question on the amendment.

Carried.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Brown, De Armand, De Wolf, Foley, Frudden, Gates, McCulloch, Parshall, Quigley, White, Wilson—12.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Francis, Gillil-

land, Hammill, Hoyt, Hunter, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—29.

Absent or not voting:

Senators Balkema, Bruce, Fitchpatrick, Larrabee, McManus, Mattes, Sammis, Savage—8.

The amendment was lost.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend Section Three by striking out the words, "has been" in line one thereof and inserting in lieu thereof the following: "shall be hereafter."

Also strike out the words "who has been" in line two of said section and insert in lieu thereof the following "shall be."

Adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend Section 4 by striking out the period at the end of said section, inserting in lieu thereof a comma, and adding to said section the following: "but nothing in this act shall operate to extend any consent now or hereafter granted beyond the time at which such consent shall expire, as by law provided."

Adopted.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 1 of the substitute by striking out the words "or major fraction thereof" in the fourth line as printed in the Journal.

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend by adding to Section 1 the following:

"No such resolution of consent shall go into effect in any case until a bond in the sum of Five Thousand Dollars has been filed with the County Auditor and approved by the Clerk of the District Court, conditional upon the faithful observance of all the provisions of the mullet tax, and for the payment of all damages that may result from the sale of intoxicating liquors upon the premises occupied by the obligor."

The amendment was lost.

Senator Smith of Mitchell offered the following amendment and moved its adoption:

I move to amend the title by striking out the words "has been" in the third line and inserting in lieu thereof the words "shall be."

Adopted.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—31.

The nays were:

Senators Adams, Brown, De Armand, De Wolf, Foley, Frudden, Gates, Quigley, Smith of Des Moines, Wilson—11.

Absent or not voting:

Senators Balkema, Bruce, Fitchpatrick, McManus, Mattes, Sammis, Savage—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Bennett, Senate File No. 76, a bill for an act to repeal Section 2448-1 of the 1907 revision of the Code and

Sections 2432 and 2445 of the 1897 Code, relating to the statement of consent, payment of mullet tax and distribution of the same, and enacting substitutes therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved that the substitute be substituted for the original bill.

Carried.

Senator De Armand offered the following amendment and moved its adoption:

I move to amend Section 5 by changing the words and figures "January 1910" in line two and insert in lieu thereof the words and figures "March 1910."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 2 by striking out the period at the close of Section 2 and substituting a comma therefor and adding thereafter the following "or furnish the license bond required by law or pay for such bond or guarantee the bond of such person engaging in the sale of intoxicating liquors contrary to the conditions above prohibited shall be punished as in Section 3 provided."

Adopted.

Senator Bennett moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Peterson, Proudfoot, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple—30.

The nays were:

Senators De Armand, Frudden, Parshall, Quigley, White, Wilson—6.

Absent or not voting:

Senators Adams, Balkema, Bruce, Fitchpatrick, Foley, Gates, McManus, Mattes, Ream, Sammis, Savage, Smith of Des Moines, Whiting—13.

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 Senate is asked:

House File No. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

Senate File No. 141, a bill for an act to repeal Section Thirteen Hundred Sixty-three (1363) of the Code, relative to statistics, and enacting a substitute therefor.

Passed on file.

House File No. 250, a bill for an act to repeal Title Eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor, to be known as "The Military Code of Iowa."

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

House File No. 81, a bill for an act for the payment of a reward for the arrest and conviction of persons stealing horses and cattle in the State of Iowa.

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

House File No. 174, a bill for an act to provide for the payment of bounties for the killing of ground hogs.

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

House File No. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder, who are confined in a prison or reformatory.

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

Senator Hammill moved that the time for adjournment be extended 15 minutes.

Carried.

REPORT OF COMMITTEE.

Senator Hammill, 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. 331, a bill for an act authorizing the state board of control to enter into a contract for the employment of certain inmates of the reformatory at Anamosa, beg leave to report they have had the same under consideration and recommend the same do pass.

JOHN HAMMILL,
Chairman.

Ordered passed on file.

Senator Saunders moved that the afternoon session do not exceed one hour and a half in length.

Carried.

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

Senator Bennett moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Ream presented remonstrance from citizens of Jefferson Township, Mahaska County, against the passage of the bill revising the school laws of the State.

Referred to Committee on Schools.

Senator Taylor presented petition from citizens of Mystic, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented petition from voters of Polk County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Wolf presented petition from citizens of Waterloo, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition from citizens of Warren County, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clark presented petition from citizens of Poweshiek County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Smith of Mitchell presented petition from citizens of Mitchell County, favoring an opportunity to decide at the ballot box the question of the enfranchisement of women.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Adams presented remonstrance from citizens of Allamakee County, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Hammill presented petition from citizens of Cerro Gordo County, favoring an opportunity to decide at the ballot box the question of the enfranchisement of women.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented remonstrance from citizens of Polk County, against the passage of the wage exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator Van Law presented petition from women of Marshalltown, Iowa, favoring the passage of a bill to regulate and control the diseases known briefly as the Black Plague.

Referred to Committee on Public Health.

Senator Van Law presented petition from citizens of Marshalltown, Iowa, favoring the passage of House File No. 2, favoring the commission plan of city government.

Referred to Committee on Cities and Towns.

Senator Whiting presented petition from citizens of Denison, Iowa, favoring the establishment of a Woman's Reformatory separate from the Men's Reformatory at Anamosa, Iowa.

Referred to Committee on Charitable Institutions.

Senator Allen of Pocahontas presented petition from residents of Storm Lake, Iowa, favoring the passage of House File No. 71, to amend the fence laws of Iowa.

Referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 351, a bill for an act to amend the law as it appears in Sections Twenty-six Hundred Thirty-four-d (2634-d), Twenty Six Hundred Thirty-four-f (2634-f), Twenty-six Hundred Thirty-four-g (2634-g), Twenty-six Hundred Thirty-four-h (2634-h), Twenty-six Hundred Thirty-four-e (2634-e), Twenty-seven Hundred Thirty-four-g (2734-g), Twenty-seven Hundred Thirty-four-h (2734-h), Twenty-seven Hundred Thirty-four-i (2734-i), Twenty-seven Hundred Thirty-four-k (2734-k), and Twenty-seven Hundred Thirty-eight (2738), of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of State and County certificates, and enrollment fee in the County Normal Institutes, and enact substitutes therefor.

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

By Senator Clark, Senate File No. 352, a bill for an act to amend Section Two Hundred and Seventy (270) of the Code of 1897, relative to juries in Superior Courts.

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

By Senator De Wolf, Senate File No. 353, a bill for an act authorizing Mutual Accident Insurance Companies or Associations incorporated under Title Nine (9), of the Code, to re-incorporate as stock companies.

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

By Senator Larrabee (by request), Senate File No. 354, a bill for an act to repeal Section Two Thousand Five Hundred and Thirty-four (2534) of the Supplement to the Code, 1907, and to enact a substitute therefor, and to amend Section Five Thousand Twenty-eight-j (5028-j) of the Supplement to the Code, 1907, all relating to the State Veterinary surgeon.

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

By Senator Seeley, Senate File No. 355, a bill for an act to amend Section Two (2), Chapter Two Hundred and Sixteen (216), of the Laws of the Thirty-second General Assembly, relating to agricultural extension work, and making additional appropriation therefor.

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

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 131, a bill for an act to repeal Sections Two Hundred Eight (208), Two Hundred Nine (209), and Two Hundred Ten (210), of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Cosson moved the adoption of the following amendments:

Amend the bill by striking out Section Four and Section Six, and that Section Five be renumbered Section Four, and Section Seven be re-numbered Section Five.

Adopted.

The bill was read for information.

Senator Proudfoot offered the following amendment and moved its adoption:

I move to amend Section 2 of the bill by striking out the words "the head" in line two thereof and inserting in lieu thereof the words "a member."

The amendment was lost.

Senator Cosson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Francis, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting—35.

The nays were:

Senators Frudden, Quigley, White—3.

Absent or not voting:

Senators Balkema, Bruce, De Armand, Fitchpatrick, Foley, Gilliland, McManus, Mattes, Sammis, Taylor, Wilson—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 313, a bill for an act to legalize certain ordinances of the town of Callender, Webster County, Iowa.

C. R. BENEDICT,
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. 382, a bill for an act to amend Section 1303 of the Supplement to the Code, 1907, relative to the amount of taxes to be levied for making and repairing bridges.

C. R. BENEDICT,
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. 153, a bill for an act to establish a laboratory at the Iowa College of Agriculture and Mechanic Arts to manufacture hog cholera serum and tuberculin and make an appropriation therefor.

C. R. BENEDICT,
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. 167, a bill for an act to amend Section 2164 of the Code relating to the presentation of claims to telegraph and telephone companies.

C. R. BENEDICT,
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. 13, a bill for an act requiring that all bonds required to be given in any judicial proceedings shall contain a contract for the payment of attorney's fees and providing for their collection.

C. R. BENEDICT,
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. 355, a bill for an act to repeal the law as it appears in Chapter 41 of the Laws of the Thirty-second General Assembly, and to enact a substitute therefor, relating to the powers of certain cities and

towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 7, a bill for an act to repeal Sections Four Hundred Ninety-nine (499) and Five Hundred Two (502) of the Code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor, was taken up and considered.

Senator Cosson moved that the Senate concur in the following House amendments:

First. By striking out all after the comma after the word "Code" in the second line of the title and inserting the following in lieu thereof: "and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy."

Second. That the word "who" in the sixth line be stricken out and the word "whom" inserted.

Third. That Section six be stricken out.

Fourth. That Section eight be stricken out.

Fifth. That Section seven be renumbered Section six.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, De Armand, Frudden, Maytag, Quigley—5.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Nichols, Parshall, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—34.

Absent or not voting:

Senators Balkema, Bruce, Brown, Fitchpatrick, Foley, McManus, Mattes, Ream, Sammis, Smith of Mitchell—10.

So the Senate refuses to concur in the House amendments.

On motion of Senator Cosson, Senate File No. 6, a bill for an act to repeal Sections Three Hundred One (301), Three Hundred Two (302), Three Hundred Five (305), Three Hundred Six (306), and Three Hundred Seven (307), of the Code, relating to the duties and limitations of the County Attorney, and to enact substitutes therefor, was taken up and considered.

Senator Cosson moved that the Senate concur in the following House amendments:

First. By striking out all after the comma after the word "Code" in the third line of the title and substituting the following in lieu thereof: "and to enact a substitute therefor relating to the duties of the County Attorney."

Second. Strike out the words "diligently to" in the second line of Section Two and insert the words "to diligently" in lieu thereof.

Third. Strike out all of sub-division Eleven (11) of Section Two (2).

Fourth. Strike out all of Section Three.

Fifth. Strike out the words "in the trial of any cause" as they appear in lines thirty and thirty-one in Section Two and inserting the following in lieu thereof: "upon any hearing."

Sixth. That sub-divisions twelve and thirteen of Section Two be numbered respectively sub-divisions eleven and twelve.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bruce, De Armand, Fitchpatrick, McManus, Mattes, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, Stuckslager—12.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator De Wolf, Senate File No. 233, a bill for an act to amend the law as it appears in Section 850-c, 850-e, 850-f of the Supplement to the Code, 1907, relating to Parks and Park Commissioners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Burgess, Chapman, Clark, De Armand, Foley, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, Moon, Parshall, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Whipple, White, Whiting—23.

The nays were:

Senators Allen of Van Buren, Bennett, Brown, Clarkson, Cosson, De Wolf, Dowell, Hoyt, Maytag, Nichols, Peterson, Savage, Van Law—13.

Absent or not voting:

Senators Balkema, Bruce, Fitchpatrick, Frudden, McCulloch, McManus, Mattes, Sammis, Saunders, Smith of Mitchell, Stuckslager, Taylor, Wilson—13.

So the bill having failed to receive a constitutional majority was declared lost.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 5, a bill for an act to amend the law as it appears in Section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax.

Also:

House File No. 134, a bill for an act to amend Section fifteen hundred sixty-one (1561) of the Code relating to the erection of guide boards.

Also:

House File No. 218, a bill for an act to amend Section seven hundred thirty-two (732), Supplement to the Code, 1907, relative to the levying of taxes for public libraries.

Also:

House File No. 261, a bill for an act to legalize the special election held in the city of New Hampton, Iowa, on the 5th day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of eighteen thousand dollars (\$18,000.00) for the purpose of erecting a combined water-works, electric light and power plant and water-tower and tank, and to validate and legalize the bonds issued in pursuance of said election.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator White, Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district, was taken up and considered.

Senator White moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson,

Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bruce, Fitchpatrick, McManus, Mattes, Sammis, Smith of Des Moines, Taylor—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 Van Law, House File No. 256, a bill for an act to amend Sections 720, 721, 776, of the Supplement to the Code, 1907, relating to the purchase of water or gas works, heat plants and electric plants, the granting of franchises and the submission of the question to the voters, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Van Law moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Bennett, Brown, Chapman, Clarkson, Cosson, De Wolf, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Clark, De Armand, Dowell, Fitchpatrick, McManus, Mattes, Quigley, Sammis, Taylor—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced that he had signed, in the presence of the Senate, House File Nos. 5, 218, 261, 134.

Senator De Wolf filed the following motion:

I move to reconsider the vote by which Senate File No. 233 failed to pass the Senate; also the vote by which the same passed to its third reading.

S. W. De Wolf.

HOUSE MESSAGES CONSIDERED.

House File No. 355, a bill for an act to repeal the law as it appears in Chapter Forty-one (41) of the Laws of the Thirty-second General Assembly, and to enact a substitute therefor, relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor.

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

House File No. 13, a bill for an act requiring that all bonds required to be given in any judicial proceeding shall contain a contract for the payment of attorney's fees and providing for their collection.

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

House File No. 167, a bill for an act to amend Section Twenty-one Hundred Sixty-four (2164) of the Code, relating to the presentation of claims to telegraph and telephone companies.

Read first and second time and referred to Committee on Telegraphs and Telephones.

House File No. 313, a bill for an act to legalize certain ordinances of the town of Callender, Webster County, Iowa.

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

House File No. 382, a bill for an act to amend Section Thirteen Hundred and Three (1303) of the Supplement to the Code, 1907,

relative to the amount of taxes to be levied for making and repairing bridges.

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

House File No. 153, a bill for an act to establish a laboratory at the Iowa College of Agriculture and Mechanic Arts to manufacture hog cholera serum and tuberculin and make an appropriation therefor.

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

INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 356, a bill for an act to amend the law as it appears in paragraph three (3), Section Twenty-four Hundred and Forty-eight (2448) of the Supplement to the Code, 1907, relating to bonds for mullet saloons.

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

By Senator Allen of Pocahontas, Senate File No. 357, a bill for an act relating to the compensation of the Superintendent of Public Instruction.

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

The time having arrived for adjournment the President announced the Senate adjourned.

Senate adjourned until 9:00 o'clock, tomorrow morning.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 16, 1909.

Senate met in regular session at 9:00 o'clock A. M. President Clarke presiding.

Prayer was offered by the Rev. P. S. Ervin of Chariton, Iowa.

On request of Senator Van Law leave of absence was granted Senator Cosson for the forenoon.

PETITIONS AND MEMORIALS.

Senator Peterson presented petition from voters of Hamilton County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented petition from residents of Dubuque County favoring the re-submission of the prohibitory amendment.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from citizens of Allison, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented petition from residents of Mills and Montgomery Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from citizens of Boone County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from citizens of Union County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Ream presented petition from citizens of Mahaska County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Pocahontas presented petition from citizens of Humboldt County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from citizens of Decatur and Clarke Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition of citizens of Warren and Clarke Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Bennett presented petition from voters of Adams County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional amendments and suffrage.

Senator Bennett presented remonstrance from citizens of Kent, Iowa, against the passage of Senate File No. 103.

Referred to Committee on Pharmacy.

Senator Gilliland presented petition from citizens of Red Oak, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from merchants and tax payers of Cherokee and LeMars, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Proudfoot presented remonstrance from the city council of Indianola, Iowa, against the passage of the bill known as the White, Larrabee, Grier or Public Utilities Bill.

Referred to Committee on Cities and Towns.

Senator Seeley presented three petitions from citizens of Henry and Washington Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition from citizens of Cummings, Iowa, favoring the passage of Senate Files Nos. 279 and 280.

Referred to Committee on Railroads.

Senator Hammill presented petitions from citizens of Cerro Gordo and Hancock Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Savage presented petition from citizens of Madison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Maytag presented petition from the citizens of Jasper County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Van Buren presented petition from citizens of Van Buren County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Van Buren presented petition from citizens of Jefferson County favoring the increase in appropriation for the Extension Department at Ames, Iowa.

Referred to Committee on Appropriations.

Senator Chapman presented petition from citizens of Jones County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from citizens of Poweshiek County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented petition from citizens of Fremont County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented remonstrance from business men of Red Oak, Iowa, against the passage of Senate File No. 103.

Referred to Committee on Pharmacy.

Senator Fitchpatrick presented petition from citizens of Story County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from citizens of McCallsburg, Iowa, favoring the establishment of Independent School Districts and Uniform Course of Study.

Referred to Committee on Schools.

Senator Francis presented petition from residents of Clay and Emmet Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented petition from residents of Palo Alto County against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Nichols presented petition from residents of Louisa County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from residents of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Saunders presented petition from voters of Council Bluffs, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hunter presented petition from citizens of Woodbury County, favoring the increase in the appropriation for agricultural extension work in the State of Iowa.

Referred to Committee on Appropriations.

Senator Sammis presented remonstrance from citizens of Plymouth County against the passage of Senate File No. 103, increasing the license fee for itinerant vendors of drugs.

Referred to Committee on Pharmacy.

Senator Sammis presented petition from voters of Cherokee County, favoring the passage of House File No. 4, a bill for an act to establish the office of Commerce Counsel.

Referred to Committee on Railroads.

Senator Moon presented petition from citizens of Wapello County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hoyt presented petition from citizens of Delaware County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

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. 344, a bill for an act to provide for the maintenance of certain cemeteries and to provide a tax for such purpose.

C. R. BENEDICT,
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. 14, a bill for an act to repeal Section 491 of the Code and enact a substitute therefor relative to the compensation of deputy treasurers.

C. R. BENEDICT,
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. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn county, Iowa, and of the auditor, treasurer and board of supervisors of said Linn county, Iowa, relating to levy of park tax.

C. R. BENEDICT,
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. 337, a bill for an act amending the law as it appears in Section 2489-a, Supplement to the Code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers.

C. R. BENEDICT,
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. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren county, Iowa, and the acts and proceedings of the council of said town had thereunder.

C. R. BENEDICT,
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. 8, a bill for an act to require manufacturers and owners of corn huskers, shuckers and shredders to provide feeders or other safety devices to properly safeguard against accidents and making the sale and use of machines not so equipped a misdemeanor and fixing a penalty therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the city of Perry, Dallas County, State of Iowa, and all proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said

court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any officer of said court, legalizing all the aforesaid matters, acts and proceedings and record as fully and exactly as if the law in every particular had been complied with.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 98, a bill for an act for the relief of the grantee, O. J. Felton, and for the purpose of having a patent issued in the name of Thomas Willmont for a certain tract of land.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Stuckslager, Senate File No. 97, a bill for an act to amend the law as it appears in Section Two Hundred and Ninety-seven (297) of the Code, relating to the compensation of clerks of the District Court, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved the adoption of the following amendments:

By striking out all after the word “them” in the ninth line of the bill and insert in lieu thereof “as additional compensation, all probate fees up to three hundred dollars (\$300), but in no event shall the amount so paid exceed the amount of the fees collected.”

Adopted.

Senator Stuckslager moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Wolf,

Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hunter, Larabee, McCulloch, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Adams, Bruce, Cosson, De Armand, Dowell, Foley, Francis, Hoyt, Mattes—9.

Senator Stuckslager offered the following amendment and moved its adoption:

I move to amend the title by striking out the words "the law as it appears in."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Moon, Senate File No. 177, a bill for an act requiring the partial inclosure of platforms on street cars, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Moon moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Larra-

bee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Bruce, Cosson, Foley, Frudden, Hoyt, McManus, Mattes, Proudfoot, Stuckslager—11.

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 Senate is asked.

House File No. 301, a bill for an act to amend Section 458-c of the Supplement to the Code, 1907, relative to injuries of domestic animals by dogs and wolves.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Whiting, House File No. 227, a bill for an act to amend Sections Seven Hundred Forty-one-g (741-g), Seven Hundred Forty-one-m (741-m), Seven Hundred Forty-one-q (741-q), and Seven Hundred Forty-six (746) of the Supplement to the Code, 1907, relating to the submission of questions to voters, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whiting offered the following amendment and moved its adoption:

Amend by striking out the word "Daily" as it appears before the word "Capital" in Section 5 of the bill.

Adopted.

The bill was read for information.

Senator Whiting moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Séeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, Cosson, De Armand, Foley, Frudden, Mattes, Parshall, Proudfoot, Sammis, Stuckslager, Whipple—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Mitchell, House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations, was taken up and considered.

On the motion of Senator Chapman to reconsider the vote by which the amendment of Senator Hammill, amending Sections 9, 10, 11, 12, and 13, and substituting Sections 9 and 10 in lieu thereof, was lost, a roll call was demanded.

The ayes were:

Senators Adams, Allen of Van Buren, Bennett, Gilliland, Hammill, Hoyt, McCulloch, Peterson, Quigley, Savage, Taylor—11.

The nays were:

Senators Allen of Pocahontas, Balkema, Brown, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Hun-

ter, Larrabee, McManus, Moon, Nichols, Proudfoot, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whiting, Wilson—25.

Absent or not voting:

Senators Bruce, Chapman, Clarkson, Cosson, Foley, Frudden, Mattes, Maytag, Parshall, Saunders, Stuckslager, Whipple, White—13.

So the Senate refused to reconsider.

Senator Dowell moved the previous question on the bill.

On the previous question a roll call was demanded.

The ayes were:

Senators Allen of Van Buren, Balkema, Burgess, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Larrabee, Maytag, Moon, Nichols, Ream, Sammis, Smith of Mitchell, Van Law, Wilson—19.

The nays were:

Senators Adams, Allen of Pocahontas, Bennett, Brown, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Taylor—17.

Absent or not voting:

Senators Bruce, Clarkson, Chapman, Cosson, De Armand, Frudden, McManus, Mattes, Parshall, Stuckslager, Whipple, White, Whiting—13.

The motion prevailed and the previous question was ordered.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, De

Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hoyt, Hunter, Larrabee, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

Senators Adams, Brown, Gilliland, Hammill, McCulloch, Quigley, Savage, Taylor—8.

Absent or not voting:

Senators Bruce, Cosson, Frudden, Mattes, Parshall—5.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator Smith of Mitchell, 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. 184, a bill for an act repealing Sections 1610, 1612, 1618 and 1641-d of the Supplement to the Code, 1907; also Sections 1615 and 1637 of the Code, and enacting substitutes therefor; also repealing Section 1618-b of the Supplement to the Code, 1907; all in relation to corporations for pecuniary profit, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking off the final "s" of the word "sections" in line 4 of the title; also by striking out the words "and sixteen hundred and thirty-seven" and the figures "(1637)" in line 5 of the title.

By striking out Section 6 of the bill, and by renumbering Section 7 to make it read "Sec. 6" and by renumbering Sec. 8 to make it read "Sec. 7," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 158, a bill for an act amending Section thirteen hundred and ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another state or territory, beg leave to report they have had the same under consideration and recommend the same be amended by substituting in lieu thereof the following: "and that such substitute do pass.

A Bill for an Act Amending Section Thirteen Hundred and Ten (1310) of the Code, Relating to Taxation of Shares of Stock in Corporations taxed in Another State or Territory, and Amending Section Thirteen Hundred and Twenty-three (1323) of the Code, Relating to Taxation of Domestic Corporations.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section thirteen hundred and ten (1310) of the Code be amended by striking out the period (.) at the end of said Section and inserting in lieu thereof a semicolon (;) and by adding thereto the following:

Provided, however, that when the capital stock, shares of stock, or the property represented by the shares of stock of any foreign corporation is assessed and taxed in another state or territory under the laws thereof, shares of stock of such company owned by residents of this state shall be exempt from taxation; provided, however, that this exemption shall not extend or apply to real or other personal property of such corporation situated within this state.

SEC. 2. That Section thirteen hundred and twenty-three (1323) of the Code be amended by striking out of lines eight (8) and nine (9) thereof the comma (,) after the word "then" and the following words: "either in this state or elsewhere" and substituting therefor the following: "within this state and real and personal property situated in some other state or territory and there taxed."

SEC. 3. That Section thirteen hundred and twenty-three (1323) of the Code be further amended by adding thereto after paragraph nine (9) the following paragraphs:

10. The amount actually invested in real and personal property situated outside this state for which exemption from taxation is claimed.

11. Where such property is situated and as nearly as may be a specific description thereof.

12. Whether same is in fact elsewhere taxed and the valuation placed upon such property as the basis for such taxation.

SEC. 4. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

JAS. A. SMITH,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 134, a bill for an act relating to the taxation of railways and railway property, including terminals, and amending Sections 1334 and 1337 of the Supplement to the Code, 1907, and Sections 1336 and 1338 of the Code, beg leave to report they have had the same

under consideration and report the same back to the Senate without recommendation.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Any corporation, organized under the laws of this State or under the laws of any other State, Territory or any foreign country, which has complied with the laws of this State relating to the organization of corporations and secured a certificate of incorporation or permit to transact business in this State, and any corporation that may hereafter organize and become incorporated under the laws of this State, and shall secure a certificate of incorporation or permit to transact business in this State, and any foreign corporation that may hereafter comply with the laws of this State relating to foreign corporations and secure a permit to transact business within this State, shall, between the first day of July and the first day of August of each year, make an annual report to the Secretary of State, said report to be in such form as he may prescribe, upon a blank to be prepared by him for that purpose, and such report shall contain the following information:

1. Name and post office address of the corporation.
2. The amount of capital stock authorized.
3. The amount of capital stock actually issued and outstanding.
4. Par value of such stock, designating whether preferred or common stock, and amount of each kind.
5. The names and post office addresses of its officers and directors and whether any change of place of business has been made during the year previous to making said report.

Sec. 2. The report required by Section one (1) of this act shall be signed and sworn to by an officer of the corporation and when filed with the Secretary of State shall be accompanied by the fee required in Section three (3) hereof and also by an application for a permit to be issued to said corporation under the provisions of this act; said permit to be in such form as the Secretary of State may prescribe and which shall be in force and effect for one year from and after the first day of July of the year in which it is issued, except that where the term of a corporate existence shall expire in less than a year from the first day of July aforesaid, then said permit shall be issued for such unexpired term only, provided, however, that any corporation organized under the laws of this State, and any foreign corporation filing a certified copy of its articles of incorporation after the first day of April of any year, shall be exempt from the provisions of this act.

for the period ending one year from the first day of July following, after which it shall be subject to all the provisions of this act.

Sec. 3. Every corporation whose corporate period has not expired, which has heretofore obtained, or may hereafter obtain, a certificate of incorporation or permit under the provisions of Chapter one (1) of Title nine (9) to transact business in this State as a corporation, whether the same be a domestic or foreign corporation, shall pay to the Secretary of State an annual fee based on the amount of its authorized capital stock, in amount as follows: .

On authorized capital of \$20,000 or less.....	\$2.00
On authorized capital of over \$ 20,000 and not exceeding \$ 30,000	3.00
On authorized capital of over 30,000 and not exceeding 40,000	4.00
On authorized capital of over 40,000 and not exceeding 50,000	5.00
On authorized capital of over 50,000 and not exceeding 75,000	7.50
On authorized capital of over \$75,000 and not exceeding \$100,- 000	10.00
On authorized capital of over \$100,000 and not exceeding \$500,- 000	15.00
On authorized capital of over \$500,000 and not exceeding \$1,- 000,000	20.00
On authorized capital of over \$1,000,000.....	25.00

Sec. 4. Any corporation organized under the laws of this State, and any foreign corporation authorized to do business in this State, which shall fail to make the report and pay the annual fee provided for in this act, and within the time required in Section one (1) hereof, shall incur a penalty of ten dollars (\$10.00) per month for each month of such delinquency, beginning with the month of August, and dating from the first day thereof, and ending with the month of April. If on the first day of May following, such corporation shall not have filed the annual report and paid the annual fee, together with all monthly penalties due at the time of filing said report and paying said fee, it shall, because of such failure, forfeit its corporate rights within this State.

Sec. 5. During the month of August of each year the Secretary of State shall prepare a list of all delinquent corporations and file the same in his office, and on or before the first day of September he shall send by registered mail to each delinquent a notice of such delinquency and of the fact that a penalty of ten dollars (\$10.00) per month will be due the State beginning with the month of August and ending with the month of April, and that if the annual report required in this act is not filed, and the annual fee paid, together with penalties due, on or before the last day of April, that on the first day of May following, its corporate rights will be declared forfeited. A copy of each of said notices shall be preserved in the office of the Secretary of State.

Sec. 6. On the first day of May following the date of said notice, the certificate of incorporation or permit of all domestic corporations that have not complied with the provisions of this act shall be forfeited, and all foreign corporations that have not complied with the provisions of this act shall forfeit the right to transact business in

this State, and a declaration of forfeiture and cancellation shall be entered upon the margin of the record of the articles of incorporation of such company in the office of the Secretary of State or in such other suitable record as the Secretary of State may provide.

Sec. 7. Nothing in this Chapter shall be construed as imposing an annual fee or requiring a report from any corporation organized for religious, educational, scientific or charitable purposes or other corporations organized under Chapter two (2) of Title nine (9) of the Code. Provided also that banks shall not be required to pay the annual fee required of other corporations under this act; but shall be required to make annual reports.

Sec. 8. After the first day of November and not later than the first day of January of each year the Secretary of State shall compile an alphabetical list of the domestic and foreign corporations legally doing business within this State, together with post office address, and mail a copy thereof to each county recorder in the several counties in this State, who shall file the same in his office.

Sec. 9. It shall be the duty of the Secretary of State between the first day of May and the first day of July of each year to notify all corporations whose corporate period has not expired, or, that have not dissolved according to law, that are subject to the provisions of this act, of the requirements herein made, enclosing therewith a blank form of report and application as herein provided; and the mailing of said notice at Des Moines, Iowa, addressed to the corporation at its post office address as shown by the records of his office shall be deemed a full, complete, and legal notice for the purpose of this act.

Sec. 10. The last paragraph of Section sixteen hundred and twelve (1612) of the Supplement to the Code, 1907, which reads as follows, is hereby repealed: "The corporation shall annually, in January, file with the Secretary of State a list of its officers and directors, and any change in the location of its place of business made by a vote of the stockholders."

Sec. 11. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa; and when so amended the bill do pass.

JAS. A. SMITH,

Chairman.

Ordered passed on file.

Senator Gilliland, 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. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same and providing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend that the bill be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 212.

A Bill for an Act to Require Every Person, Partnership, Company or Corporation, Owning or Operating a Street Railway in This State, to Equip Certain Cars with Brakes and Appliances for the Control and Stopping of the Same, and Providing a Penalty for the Violation Thereof.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Every person, partnership, company or corporation, owning or operating a street railway in this state shall equip every double truck car of thirty (30) feet and more in length over all, with an approved modern type of safety appliances, including air or electric brakes capable of bringing such car to a stop within a reasonable distance, together with a proper equipment for sanding the rails of any such street railway, which brake and sand equipment shall be controlled and operated by the motor-man on said car.

Provided that no street railway company shall be required to equip more than one-third of the cars affected by this act and now in use before January 1st, 1910, not more than one-half of the remaining cars before January 1st, 1911, and all such cars shall be so equipped before January 1st, 1912.

Any violation of this Section shall be punished by fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each day every such car is operated in violation thereof, and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Substitute 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. 337, a bill for an act to amend Section six hundred thirty-eight (638) of the Code relative to villages, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 315, a bill for an act giving to cities and towns, including cities acting under special charters, power to provide by ordinance for the trimming of trees along the public streets and sidewalks and to assess the cost thereof to the owners of the abutting property, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Strike out the words "March

and October" in the last line of the bill and substitute therefor the words "July and September," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 36, a bill for an act to amend chapter six (6), title five (5) of the Code, relating to sprinkling of streets and providing for the assessment of the cost thereof on the property benefited thereby, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Senator Dowell asked unanimous consent that Senate File No. 212 be made a Special Order for Wednesday, March 17, to follow Special Order No. 5, Senate File No. 84.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing and using real property therefor and providing a penalty for the violation thereof.

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

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas, and the town council of said incorporated town, in the County of Pocahontas and the State of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water-works in said town, and the issuance of warrants of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 5 by striking out the period following the word "Iowa" in the fourth line thereof, and adding thereto the following: "without expense to the State," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 292, a bill for an act repealing Section two hundred fifty-four-a-twenty-four (254-a-24) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the commitment and confinement of certain children and the power and authority of courts and magistrates to issue orders of commitment and confinement of certain children and providing that boards of supervisors and city authorities shall provide separate rooms, apartments or cells for certain children, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 343, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 3 by striking out of the fourth line thereof, the words "as in other cases," and by inserting in lieu thereof the words "upon such conviction as provided by law," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 274, a bill for an act to amend the law as it appears in Section four thousand seven hundred seventy-one (4771) of the Code relating to punishment for the crime of assault with intent to inflict great bodily injury, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 230, a bill for an act to provide for the creation of the office of county highway engineer, and to define the duties thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 132, a bill for an act to repeal the law as it appears in Sections 1570-b and 1570-c of the 1907 Supplement to the Code, relative to the improvement of public highways by the use of the road drag, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 41, a bill for an act to repeal Sections 1570-b and 1570-c of the Supplement to the Code and enact a substitute therefor, and requiring the township trustees to maintain earth roads with a drag and to contract for the use of the same, and to provide penalties for injury to such roads or the work done thereon, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 140, a bill for an act to amend Section 1570-c of the Supplement to the Code, 1907, relating to public highways and providing for the payment for work thereon, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Highways, to whom was referred House Concurrent Resolution providing that ten thousand copies of the annual reports of the state highway commissions for the year ending July 1, 1907, and for the year ending July 1, 1908, be printed in pamphlet form for distribution by said highway commission, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,

Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 2.

On motion of Senator Smith of Des Moines, Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof, was taken up and considered.

The bill was read for information.

Senator Smith of Des Moines moved that the Rules be suspended, 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 ayes were :

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Wilson—37.

The nays were :

None.

Absent or not voting :

Senators Adams, Allen of Pocahontas, Brown, Bruce, Chapman, Clarkson, Cosson, Frudden, Mattes, Quigley, Whipple, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Balkema, Senate File No. 310, a bill for an act to legalize the acts of the board of directors of the school township of Wilson in the County of Osceola and State of Iowa, in authorizing a school house to be built in sub-division number Four (4) in said school township and in levying a tax therefor, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Balkema moved that the rules be suspended, 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 ayes were :

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—38.

The nays were :

None.

Absent or not voting :

Senators Adams, Allen of Pocahontas, Brown, Bruce, Clarkson, Cosson, Hunter, Mattes, Quigley, Smith of Mitchell, Whipple—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Stuckslager, House File No. 248, a bill for an act to amend Section Five Thousand Six Hundred Fifty-two (5652) of the Code of Iowa, relating to hard labor by persons confined in jails, with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved the adoption of the following amendment :

Amend Section One by striking out the words "of Iowa" appearing in the second line thereof.

Adopted.

Senator Stuckslager moved that the rules be suspended, 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 ayes were :

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Wilson—30.

The nays were :

None.

Absent or not voting :

Senators Adams, Allen of Pocahontas, Brown, Bruce, Clark, Clarkson, Cosson, De Armand, Dowell, McManus, Mattes, Maytag, Nichols, Parshall, Quigley, Sammis, Smith of Mitchell, Whipple, Whiting—19.

Senator Stuckslager offered the following amendment to the title and moved its adoption :

I move to amend the title by striking out the words "of Iowa" as they appear in the second line thereof.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Frudden, Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi River, being land of the character described in Section One (1) of Chapter Two Hundred and twelve (212) of the acts of the Thirty-first General Assembly, lying within the limits of said city and in Sections Twenty-five (25) and Thirty-six (36), Township Eighty-nine (89) North, Range Two (2) East of the Fifth Principal Meridian and authorizing and directing the Governor and Secretary of State to issue a patent therefor with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Frudden moved that the rules be suspended, 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 ayes were :

Senators Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—41.

The nays were :

None.

Absent or not voting :

Senators Adams, Allen of Pocahontas, Bruce, Cosson, McManus, Maytag, Saunders, White—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Sammis, House File No. 187, a bill for an act to amend Section Three Thousand and Sixty-eight (3068) of the Code, relative to the use of corporate seals, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Sammis moved the adoption of the following amendments:

By inserting after the word "instrument" in line 4 of Section 1 the following: "or writing on the margin of any record," and by striking out all of Section 1 after the word "therein" in line 4 and inserting in lieu thereof the following: "the absence of such seal shall not affect the validity of said instrument or writing."

Adopted.

Senator Sammis moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Adams, Brown, Bruce, Cosson, Maytag, Saunders—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Wilson, Senate File No. 359, a bill for an act repealing Section Two Thousand Nine Hundred-a-25 (2900-a-25) of the Code Supplement and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

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

THIRD READING OF BILLS.

On motion of Senator Bennett, House File No. 208, a bill for an act to repeal Sections Twenty-five Hundred Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), Twenty-five Hundred and Seventy-b (2570-b), and Twenty-five Hundred and Seventy-one (2571), of the Supplement to the Code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 2 by striking out the sentence in line 14 beginning after the word "upon" and substituting therefor the following: "The state board of health shall cause to be printed such number of copies of the rules and regulations by it adopted, as may be necessary to supply the needs of the several counties of the State and upon application forward the required number to the County Auditors of the State for distribution to the several boards of health within the County."

Adopted.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend by striking out beginning with the word "all" the last word on page 771, down and including the word "board" in the 4th line of page 772 of the Journal, and inserting in lieu thereof the following:

"All disinfections and fumigation shall be performed under the supervision of the attending physician in accordance with the rules and regulations of the State Board of Health. In case no physician is employed, or in case the attending physician fails or neglects to comply with the rules and regulations it shall be the duty of the local health officer to enforce the same."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Allen of Van Buren, Brown; Hammill, Hoyt, McManus, Quigley, Seeley, Smith of Mitchell, Taylor, White, Wilson—12.

The nays were:

Senators Allen of Pocahontas, Balkema, Bennett, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Sammis, Saunders, Savage, Stuckslager, Van Law, Whiting—29.

Absent or not voting:

Senators Bruce, Burgess, De Wolf, Gilliland, Hunter, Ream, Smith of Des Moines, Whipple—8.

So the amendment was lost.

Senator De Wolf offered the following amendment and moved its adoption:

I move to amend Section One (1) of the bill by striking out that part of the section commencing with the word "if" in line 49 and including the word "thereon" in line 56 of the section.

Adopted.

The time having arrived, the President announced that the Senate would go into executive session.

The Senate arose from executive session and resumed regular session.

Senator Bennett moved that the time of adjournment be extended 15 minutes.

Carried.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by inserting after the period following the word "county" in line 13 of the bill as it appears on page 772 of the Journal, the following sentence:

"The Board of Supervisors shall not be bound by the action of the local board of health in approving such bills but may increase or diminish the same as may be just and reasonable."

Adopted.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section 1 by striking out the period following the word "therefrom" in the first line on page 771 and inserting a comma and the following words, "and may remove such persons to a separate house, a house of detention or hospital," followed by a period.

And by striking out the words "may remove such persons to a separate house, a house of detention or a hospital," as found in the fifth and sixth lines.

Adopted.

Senator Proudfoot offered the following amendment and moved its adoption:

I move to amend Section 1 of the substitute as printed, by inserting after the word "plague" in line 14 of Section 1, the following, "and any other disease which in the judgment of the local board and attending physician, if any, should, in the interest of the public health, be quarantined."

Further consideration of the bill was postponed.

HOUSE MESSAGES CONSIDERED.

House File No. 301, a bill for an act to amend Section Four Hundred and Fifty-eight-c (458-c) of the Supplement to the Code, 1907, relative to injuries of domestic animals by dogs and wolves.

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

House File No. 344, a bill for an act to provide for the maintenance of certain cemeteries and to provide a tax for such purpose.

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

House File No. 14, a bill for an act to repeal Section Four Hundred Ninety-one (491) of the Code, relating to compensation of deputy treasurers, and enacting a substitute therefor.

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

House File No. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn County, Iowa, and of the auditor, treasurer, and Board of Supervisors of said Linn County, Iowa, relating to a levy for park tax.

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

House File No. 337, a bill for an act amending the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a), Supplement to the Code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers.

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

Substitute for Senate File No. 98, a bill for an act for the relief of the grantees, O. J. Felton, and for the purpose of having a patent issued in the name of Thos. Willmont, for a certain tract of land.

Passed on file.

Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the council of said town had thereunder.

Passed on file.

House File No. 8, a bill for an act to compel manufacturers and owners of corn huskers, shuckers and shredders, to provide automatic feeders or other safety device to safeguard against accidents and making the sale or use thereof a misdemeanor and fixing a penalty for violation.

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

Senate File No. 170, a bill for an act to legalize the establishment of the Superior Court of the city of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts and proceedings and record as fully and exactly as if the law in every particular had been complied with.

Passed on file.

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

Senator Gilliland moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

On request of Senator Peterson, leave of absence was granted Senator Smith of Mitchell for the afternoon.

Senator Stuckslager presented petition from citizens of Linn County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from citizens of Cerro Gordo County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented petition from voters of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 360, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred Forty (2540), Twenty-five Hundred Forty-a (2540-a), Twenty-five Hundred Fifty (2550), Twenty-five Hundred Fifty-two (2552), Twenty-five Hundred Fifty-six (2556), of the Supplement to the Code, 1907, and Sections Twenty-five Hundred Forty-four (2544), Twenty-five Hundred Fifty-five (2555), and Twenty-five Hundred Sixty-two (2562) of the Code, relating to the protection of fish and game.

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

Senator Seeley asked unanimous consent to have Senate File No. 158 made a Special Order for Tuesday, March 23, at 10:00 o'clock A. M.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Clark, House File No. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Clark moved the adoption of the following amendments:

Amend Section 3 by striking out of the 4th line thereof the words, "as in other cases," and by inserting in lieu thereof the words, "upon such conviction as provided by law."

Adopted.

Senator Gilliland moved that the vote by which the bill passed to its third reading be reconsidered.

Carried.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend Section 3 by striking out the words "in any degree" in the last line and inserting the words "or manslaughter" in lieu thereof.

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Allen of Van Buren, Bennett, Brown, Cosson, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Proudfoot, Quigley, Seeley, Stuckslager, Taylor, Van Law, Whipple, White—18.

The nays were:

Senators De Armand, Fitchpatrick, Foley, Gates, Nichols, Peterson, Sammis, Whiting, Wilson—9.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Frudden, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell—22.

Adopted.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden,

Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, Parshall, Savage, Smith of Mitchell, Whipple—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sammis filed the following motion to reconsider:

I move to reconsider the vote by which House File No. 399 passed to its third reading and passage on March 16, 1909.

J. U. SAMMIS.

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. 333; a bill for an act making an appropriation to defray the expenses of the Lincoln program.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments and has adopted the conference committee report on House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 208, a bill for an act to repeal Sections Twenty-five Hundred and Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), Twenty-five Hundred and Seventy-b (2570-b), and Twenty-five Hun-

dred and Seventy-one (2571) of the Supplement to the Code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health.

Senator Van Law offered the following substitute amendment for the one offered by Senator Proudfoot and moved its adoption:

I move as a substitute for the amendment pending, that there be inserted after the word "plague" in the 14th line of the Senate substitute for House File No. 208, as it appears printed in the Journal, the following:

"And such other contagious diseases as shall be necessary for the protection of the public health, under the order of the State Board of Health."

Adopted.

By unanimous consent the amendment offered by Senator Proudfoot was withdrawn.

Senator Bennett moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—42.

The nays were:

Senator Fitchpatrick—1.

Absent or not voting:

Senators Bruce, Parshall, Quigley, Savage, Smith of Mitchell, Whipple—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing, etc., with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendment:

Amend Section 1 by adding after the words, "there may be" in the third line thereof, the following: "and in all such cities having a paid fire department there shall be."

Adopted.

Senator Saunders moved the adoption of the following amendment:

Amend Section 4 by striking out the word "semi-annual" in the 17th line and insert in lieu thereof the word "monthly."

Adopted.

Senator Saunders moved the adoption of the following amendment:

Amend Section 5 by adding after the word "disabled" in the sixth line thereof, the words "as a result of such injury."

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Section Eight by striking out the word "accrue" from the last line of said section and insert in lieu thereof the words "be paid."

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend Section 5, line nine, of the printed bill after the word "act" by inserting "who desires to come within the benefits hereof."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Clarkson, De Armand, Francis, McCulloch, Moon, Proudfoot, Sammis, Taylor—9.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, White, Whiting, Wilson—34.

Absent or not voting:

Senators Bennett, Bruce, Burgess, Foley, Smith of Mitchell, Whipple—6.

So the amendment was lost.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, White, Whiting, Wilson—42.

The nays were:

Senator Clarkson—1.

Absent or not voting:

Senators Balkema, Bennett, Bruce, Smith of Mitchell, Taylor, Whipple—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 333, a bill for an act making an appropriation to defray the expenses of the Lincoln program.

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

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

Passed on file.

Senator Gilliland offered the following concurrent resolution which was laid over under the rules:

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring, That the Thirty-third General Assembly do adjourn sine die on Thursday, April 1, 1909, at 12 o'clock noon.

Senator Allen of Van Buren moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 17, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Albert B. Gilbert of Emmetsburg, Iowa.

On request of Senator Peterson leave of absence was granted Senator Smith of Mitchell for the day.

On request of Senator Balkema leave of absence was granted Senator Proudfoot for the day.

PETITIONS AND MEMORIALS.

Senator Gilliland presented petition from residents of Montgomery County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Peterson presented seven petitions from residents of Hamilton County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented petition from business men of Hastings, Iowa, favoring the passage of Senate File No. 280, relative to the "Reciprocal Demurrage Bill.

Referred to Committee on Railroads.

Senator Whipple presented petition from residents of Benton County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Van Buren presented remonstrance from residents of District No. 7, Jefferson County, Iowa, against the proposed changes in the school laws.

Referred to Committee on Schools.

Senator Allen of Van Buren presented petition from residents of Keosauqua, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented petition from Presbytery of Keokuk and Washington Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Moon presented petition from citizens of Wapello County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Whiting presented petition from citizens of Harrison County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from residents of Hancock County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from residents of Union, Ringgold and Clarke Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from residents of Decatur County against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Proudfoot presented petition from merchants and taxpayers of Warren County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Wilson presented petition from citizens of Elwood, Iowa, favoring the passage of House File No. 174, relating to the payment of bounty for killing ground hogs.

Referred to Committee on Public Health.

Senator Bennett presented petition from citizens of Taylor County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from citizens of Poweshiek County favoring the increase in the appropriation of the Iowa State College at Ames, Iowa.

Referred to Committee on Appropriations.

Senator Gates presented petition from citizens of Butler County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented remonstrance from citizens of Bremer County against the passage of Senate File No. 103, increasing the license fee of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

Senator Balkema presented petition from residents of Paulina, O'Brien County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from residents of Dallas County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented remonstrance from residents of Jefferson County, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Mattes presented petition from citizens of Greene County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented petition from citizens of Dickinson County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented remonstrance against the passage of Senate File No. 103, increasing the license fee of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

Senator Larrabee presented petition from citizens of Calhoun County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Chapman presented two petitions from citizens of Cedar and Jones Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from citizens of Polk County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from residents of Guthrie County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Seeley presented petition from residents of Washington County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petitions from citizens of Boone and Story Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented petitions from citizens of Polk County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented remonstrance from residents of Kosuth County against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Seeley presented petition from residents of Henry County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Savage presented petition from residents of Adair County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from citizens of Dallas County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented remonstrance against the passage of Senate File No. 103, increasing the license fee of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

Senator Sammis presented petition from citizens of Ida County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from citizens of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented remonstrance from the citizens of Marshall County against the passage of Senate File No. 103, increasing the license fee of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

Senator Sammis presented remonstrance from citizens of Plymouth County against the passage of Senate File No. 103, increasing the license fee of itinerant vendors of drugs.

Referred to Committee on Pharmacy.

INTRODUCTION OF BILLS.

By Senator Peterson, Senate File No. 361, a bill for an act to amend Section Three Hundred Thirty-five (335) of the Code, relating to the selection of persons to serve as petit and grand jurors and talesmen.

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

By Senator Gilliland, Senate File No. 362, a bill for an act to repeal Section Fourteen Hundred Fifteen (1415) of the Code, relating to the apportionment of taxes by County Treasurers and to enact a substitute therefor.

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

By Senator Ream, Senate File No. 363, a bill for an act to promote the public safety by requiring persons or corporations operating railways within the State of Iowa to equip locomotives or other motive power, with headlights of certain power, and providing a penalty for the violation thereof.

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

By Senator Allen of Van Buren, Senate File No. 364, a bill for an act to amend House File No. 60, passed by the Thirty-third General Assembly February 19, 1909, and approved February 24, 1909, relating to the burial of indigent soldiers and sailors and their wives and widows.

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

By Senator Taylor (by request), Senate File No. 365 a bill for an act to provide for the payment of a bounty for the destruction of foxes.

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

REPORTS OF COMMITTEES.

Senator Hunter, from the Committee on Labor, submitted the following report:

MR. PRESIDENT—Your committee on Labor, to whom was referred House File No. 191, a bill for an act to amend the law as it appears in Section 2477-d, 1907 Supplement to the Code, relating to authority of officers to demand proof of age of children employed and defining what said proof shall be, beg leave to report they have had the same under consideration and recommend the same do pass.

ROBERT HUNTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Labor, to whom was referred House File No. 239, a bill for an act to amend Section 2477 of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the bureau of labor statistics, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Move to amend the bill by striking out the word "fifth" in line four of the bill and insert in lieu thereof the word "eighth" and also move to amend the bill by striking out the word "eighteen" in the eighth line of the bill and inserting in lieu thereof the word "twenty-one." Also insert after the word "Code" in Section one the figures "1907," and when so amended the bill do pass.

ROBERT HUNTER,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Labor, to whom was referred Senate File No. 132, a bill for an act to amend the law as it appears in Sections 4019 and 4020 of the Code, relating to the preference of debts owing for labor and the filing and allowing of claims therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

ROBERT HUNTER,
Chairman.

Ordered passed on file.

Senator Fitchpatrick, 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. 337, a bill for an act amending the law as it appears in Section twenty-four hundred eighty-nine-a (2489-a), Supplement to the Code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers, beg leave to report they have had the same under consideration and recommend the same do pass.

J. A. FITCHPATRICK,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 294, a bill for an act to amend Section Forty-six Hundred and Twenty-five (4625) of the Code, relating to the Statute of Frauds, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Wilson—32.

The nays were:

Senators Balkema, Dowell, Fitchpatrick, Foley, Gates, Moon, Parshall, Proudfoot; Sammis,—9.

Absent or not voting:

Senators Bruce, De Armand, De Wolf, Mattes, Saunders, Smith of Mitchell, Taylor, Whiting—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sammis asked unanimous consent to call up the motion filed by him yesterday, to reconsider the vote by which House File No. 399 passed the Senate; also the vote by which the same passed to its third reading.

Consent granted.

THIRD READING OF BILLS.

Senate took up for consideration House File No. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory.

The motion to reconsider the vote by which House File No. 399 passed the Senate prevailed.

The motion to reconsider the vote by which House File No. 399 passed to its third reading, prevailed.

Senator Gilliland moved to reconsider the vote by which the following amendment was adopted:

Amend Section 3 by striking out the words, "in any degree" as the same appears in the last line and insert in lieu thereof the words "or manslaughter."

The motion prevailed.

Senator Gilliland asked unanimous consent to withdraw the amendment.

Consent granted.

Senator Gilliland moved to reconsider the vote by which the following amendment was adopted.

Amend Section 3 by striking out of the 4th line thereof the words "as in other cases," and by inserting in lieu thereof the words "upon such conviction as provided by law."

The motion prevailed.

By unanimous consent the amendment was withdrawn.

Senator Sammis offered the following amendment and moved its adoption:

Amend Section 3 by striking out all that part of the same which follows the word "taken" in the third line and by inserting in lieu thereof the following:

"But if convicted under said indictment, he shall be punished as provided by law."

Adopted.

Senator Clark moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigely, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Bruce, Saunders, Smith of Mitchell, Whipple, White—5.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 22, a bill for an act to amend the law as it appears in Section seven hundred and forty (740) of the Supplement to the Code, 1907, relating to aiding by taxation the maintenance of any institution of benevolence, including hospitals acquired by any county, city, town by gift or devise.

Also:

Senate File No. 101, a bill for an act to amend Sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249), two thousand two hundred seventy-one (2271), two thousand two hundred thirty-four (2234), two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) and amendments thereto, of the Code relating to the care and support of the poor.

Also:

Senate File No. 182, a bill for an act for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 22, a bill for an act to amend the law as it appears in Section seven hundred and forty (740) of the Supplement to the Code, 1907, relating to aiding by taxation the maintenance of any institution of benevolence, including hospitals acquired by any county, city, town or school corporation by gift or devise.

Also:

Senate File No. 101, a bill for an act to amend Sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249), two thousand two hundred seventy-one (2271), two thousand two hundred thirty-four (2234), two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) and amendments thereto, of the Code relating to the care and support of the poor.

Also:

Senate File No. 182, a bill for an act for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

Also:

House File No. 96, a bill for an act to amend Section one thousand four hundred seven (1407) of the Supplement to the Code, 1907, relating to the collection of delinquent personal property tax.

Also:

House File No. 243, a bill for an act legalizing ordinances numbers thirty-eight and thirty-nine, establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek County, Iowa.

Also:

House File No. 251, a bill for an act to amend the law as it appears in Section four thousand nine hundred and thirty-six (4936) of the Supplement to the Code, 1907, relative to marriage of cousins.

Also:

House File No. 256, a bill for an act to amend Sections seven hundred twenty (720), seven hundred twenty-one (721), and seven hundred seventy-six (776) of the Supplement to the Code, 1907, relating to the purchase of water or gas-works, heat plants and electric plants, the granting of franchises and the submission of the question to the voters.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 93, a bill for an act to amend Section five thousand two hundred and eighty-nine (5289) of the Code of 1897, by adding thereto a provision permitting the county attorney to amend indictments, to correct errors therein or to add allegations thereto.

C. R. BENEDICT,
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. 300, a bill for an act to amend Section fifteen hundred and nine (1509) of the Code, and Section fifteen hundred and thirty-two-a (1532-a), Supplement to the Code, 1907, relative to the power and duties of the trustees, board of regents and board of control, in regard to roads and highways in and around lands owned by the State.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 251, a bill for an act to amend Section 4936 of the Supplement to the Code of Iowa, relative to marriage of cousins.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 1, on motion of Senator Peterson, Senate File No. 83, a bill for an act amending the law as it appears in Sections Ten Hundred Eighty-seven-a-ten (1087-a-10), Ten Hundred Eighty-seven-a-twenty-two (1087-a-22) and Ten Hundred Eighty-seven-a-twenty-seven (1087-a-27), of the 1907 Supplement to the Code, repealing Chapter One (1), Acts of the special session of the Thirty-second General Assembly and enacting a substitute therefor, relating to the nomination of party candidates for the office of Senator in the Congress of the United States. was taken up and considered.

Senator Peterson moved the adoption of the report of the Committee on Elections, recommending indefinite postponement.

Senator Allen of Van Buren moved the previous question.

Carried.

The report of the committee was adopted and the bill indefinitely postponed.

The time having arrived for Special Order No. 2, on motion of Senator Peterson, Senate File No. 84, a bill for an act amending the law as it appears in Section Eleven Hundred and Fifty (1150), Eleven Hundred and Fifty-one (1151), Eleven Hundred Fifty-seven (1157) and Eleven Hundred Sixty-two (1162), of the Code, relating to the canvass of the vote for Senator in the Congress of the United States, was taken up and considered.

Senator Peterson moved the adoption of the report of the Committee on Elections, recommending indefinite postponement.

On the motion to adopt the report of the Committee, a roll call was demanded.

Those favoring the adoption of the report of the committee were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter,

Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Sammis, Saunders, Savage, Stuckslager, Van Law, Whipple, White—31.

The nays were:

Senators Clarkson, De Armand, De Wolf, Foley, Frudden, McManus, Moon, Parshall, Quigley, Ream, Taylor, Whiting, Wilson—13.

Absent or not voting:

Senators Bruce, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple—5.

Adopted.

So the bill was indefinitely postponed.

On request of Senator Hunter, leave of absence was granted Senator Proudfoot for the day.

Senator Adams asked unanimous consent to have printed 500 extra copies of Senate File No. 351.

Consent granted.

On motion of Senator Frudden, House File No. 1, a bill for an act to make an appropriation for the removal of the remains of Ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Parshall moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, Hunter, Nichols, Sammis, Smith of Mitchell—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 51, a bill for an act to amend the law as it appears in Section Two Hundred and Fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, relating to the compensation of shorthand reporters, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Peterson moved that the substitute be substituted for the original bill.

Carried.

Senator Van Law offered the following amendment and moved its adoption:

Amend the substitute for Senate File No. 51 by adding thereto the following: "and by inserting after the figures (\$1,200.00) in the sixth line of said section the words: 'when such reporter has been engaged in court one hundred days or less per year or sixteen hundred (\$1,600.00) dollars when such reporter has been engaged in court more than one hundred days.' "

Senator Peterson moved that the further consideration of the bill be postponed and that it be made a Special Order for Thursday, March 18th, at 10:00 o'clock, A. M.

Carried.

The time having arrived for Special Order No. 3, on motion of Senator Dowell, Senate File No. 212, a bill for an act to require every person, partnership, company, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same and providing a penalty for a violation thereof, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, Whiting, Wilson—35.

The nays were:

Senators Francis, White—2.

Absent or not voting:

Senators Adams, Bennett, Bruce, De Armand, Hammill, Hoyt, Hunter, McManus, Proudfoot, Sammis, Smith of Mitchell, Stuck-slager—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 211, a bill for an act to repeal Section Thirty-one Hundred Eighty-one (3181) of the Supplement to the Code, 1907, relating to the right of divorced persons to re-marry within one year, and to enact a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Cosson moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Cosson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bennett, Bruce, De Armand, Foley, Hoyt, Hunter, McManus, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, White—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 Clarkson, Senate File No. 334, a bill for an act to amend Section Thirty-three Hundred and Five (3305), Supplement to the Code, 1907, relative to the time of granting administration, was taken up and considered.

The bill was read for information.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Savage,

Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Bruce, Hunter, McManus, Proudfoot, Seeley, Saunders, Smith of Mitchell—9.

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 Adams, 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. 399, a bill for an act providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 333, a bill for an act to amend the law relative to the payment of certain expenses and costs incurred on account of patients committed as inebriates to state hospitals, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved the adoption of the following amendments: .

Amend the bill by striking out the title, and inserting in lieu thereof the following as the title to said bill:

“A bill for an act to amend the law as it appears in Sections Twenty-three Hundred Ten-a-19 (2310-a-19) and Twenty-three

Hundred Ten-a-28 (2310-a-28) of the Supplement to the Code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to State hospitals, and repealing Section Twenty-three Hundred Ten-a-30 (2310-a-30) of the Supplement to the Code, 1907, and enacting a substitute therefor, relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospital for inebriates."

Adopted.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Taylor, Van Law, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, Hunter, McManus, Proudfoot, Savage, Smith of Mitchell, Stuckslager, Whipple—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator De Wolf, House File No. 415, a bill for an act to amend the law as it appears in Section Thirteen Hundred Six-b (1306-b) of the Supplement to the Code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating water-works,

electric light and power plants, gas works and heating plants, or building and constructing sewers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator De Wolf moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, Cosson, Francis, Hunter, McManus, Parshall, Proudfoot, Saunders, Smith of Mitchell, Stuckslager, White—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced that he had signed, in the presence of the Senate, House Files Nos. 256, 243, 96, 251, 399, and Senate Files Nos. 182, 22, 101.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 22, a bill for an act to amend the law as it appears in Section seven hundred and forty (740) of the Supplement to the Code, 1907, relating to aiding by taxation the maintenance of any institution of benevolence, including hospitals, acquired by any county, city, town or school corporation by gift or devise.

Also:

Senate File No. 101, a bill for an act to amend Section four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249), two thousand two hundred seventy-one (2271), two thousand two hundred thirty-four (2234), two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) and amendments thereto, of the Code relating to the care and support of the poor.

Also:

Senate File No. 182, a bill for an act for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

HENRY L. ADAMS,
Chairman.

Adopted.

HOUSE MESSAGES CONSIDERED.

House File No. 93, a bill for an act to amend Section 5289 of the Code of 1897, by adding thereto a provision permitting the County attorney to amend indictments to correct errors therein or to add allegations thereto.

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

House File No. 300, a bill for an act to amend Section 1509 of the Code, and Section 1532-a, Supplement to the Code, 1907, relative to the powers and duties of the trustees, Board of Regents and Board of Control, in regard to roads and highways in and around lands owned by the state.

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

House File No. 251, a bill for an act to amend Section 4936 of the Supplement to the Code of Iowa, relative to marriage of cousins.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Sammis, Senate File No. 366, a bill for an act to establish a public service commission and prescribing its powers and duties, and providing for the regulation and control of public utilities, and making an appropriation therefor; also transferring the powers and duties of the executive council as prescribed by Chapter Seventy-one (71) of the Acts of the Thirty-third General Assembly of Iowa, in so far as they relate to public service corporations, and the powers and duties of the Board of Railroad Commissioners as prescribed by law to said commission; also repealing the powers heretofore granted to cities and towns and cities acting under special charters and cities acting under the commission plan, to fix charges for meters, or to regulate and fix the rates of water, gas, electric light or other public utilities, and the period of duration of their franchises; also repealing all powers heretofore granted to such towns and cities in conflict with this act and confer on such cities and towns certain additional powers.

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

REPORT OF COMMITTEE.

Senator Sammis, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your committee on Corporations, to whom was referred Senate File No. 275, a bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor relating to the use of private seals by individuals, firms or corporations and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. U. SAMMIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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

Senator Balkema moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Stuckslager presented petition from citizens of Linn County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Mattes presented three petitions from citizens of Carroll, Greene and Sac Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Pocahontas presented three petitions from citizens of Humboldt, Buena Vista and Pocahontas Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Stuckslager presented petition from citizens of Linn County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Wilson presented remonstrance from residents of Lost Nation, Iowa against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Savage presented petition from residents of Madison County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented petition from residents of Emerson, Iowa, favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Clarkson presented petition from residents of Monroe County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from residents of Cromwell, Iowa, favoring the resubmission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Wilson presented two petitions from residents of Clinton County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented petition from residents of Boone County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Quigley presented petition from residents of Clayton County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from residents of Butler County favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Van Buren presented petition from residents of Jefferson County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hoyt presented petition from residents of Delaware and Buchanan Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Cherokee County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from residents of Story County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from the Ministerial Union of Boone, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented petition from residents of Greene County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from residents of Union and Adams County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Whiting presented petition from residents of Denison, Iowa, favoring the passage of the bill known briefly as the Black Plague Bill.

Referred to Committee on Public Health.

Senator Van Law presented petition from residents of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from residents of Hancock County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Quigley presented remonstrance from Oak Leaf Camp No. 2875 Modern Woodmen of America of Clayton, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

REPORTS OF COMMITTEES.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 218, a bill for an act to amend Section 2157-g of the Supplement to the Code, 1907, relating to free passes by common carriers beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 218.

A Bill for an Act to Amend the Law as it Appears in Section Twenty-one Hundred Fifty-seven-g (2157-g) of the Supplement to the Code, 1907, Relating to Free Passes by Common Carriers.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the Supplement to the Code, 1907, is hereby amended by striking out the words "such members," in sub-division j thereof and substituting therefor the words "employees who die while in the service of such common carriers," and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 328, a bill for an act to amend the law as it appears in Section 2113 of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employees engaged in their operation, and providing a penalty for failure to properly equip such switch engines, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Insert after the comma, at the end of the sixteenth line of section 1, the words "or during a period of not exceeding twelve (12) hours, when a switch engine is being cleaned or washed out."

Insert before the word "or," in the eighteenth line of Section 1, the words "or needed repairs," and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 273, a bill for an act to amend section 2077-a of the Supplement to the Code, 1907, relating to the posting of bulletins, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 295, a bill for an act with respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes; to provide for the enforcement of the act, and to provide civil and criminal liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited; to repeal and prohibit city and town ordinances on the subject, and to repeal all laws in conflict with this act, beg leave to report they have had

the same under consideration and recommend the same be amended by the adoption of the following substitute, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to chapter 5, of title III of the 1907 Supplement of the Code, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title of the bill by striking out the word "and" at the end of line 6 thereof. Also amend the title by striking out all that part after the word "the" in the next to the last line thereof, and inserting in lieu thereof the words "Supplement to the Code, 1907."

Amend section 1 by striking out the following words: "Contributory dependency-definition."

Amend Section II by striking out the following words: "Jurisdiction, proceedings, and enforcement of decrees."

Amend Section III by striking out the following words: "Decree—probation bond."

Amend Section IV by striking out the following words: "Time for bond—enforcement."

Amend Section V by striking out the following words: "Proceeding of bond—disposition of sum recovered."

Amend Section VII by striking out the following word at the beginning of said section: "Employment."

Amend Section VIII by striking out the following words at the beginning of said section: "Habitual drunkenness."

Amend Section IX by striking out the following words: "No exemptions—order of court as execution."

Amend Section X by striking out the following words: "Criminal proceedings not prevented."

Amend Section XI by striking out the following words: "Disposition of child during probation of adult."

Amend Section XII by striking out the following word at the beginning of said section: "Abandonment."

Amend Section XIII by striking out the following words: "Disposal of abandoned children—adoption."

Amend Section XIV by striking out the following word at the beginning of said section: "Inheritance."

Amend Section XV by striking out the following word at the beginning of said section: "General."

Amend Section XVI by striking out the following words at the beginning of said section: "Enticing away child punished."

Amend Section XVII by striking out the following words at the beginning of said section: "Liberally construed."

Amend the bill by striking therefrom all of Section XVIII, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn County, Iowa, and of the auditor, treasurer and board of supervisors of said Linn County, Iowa, relating to levy of park tax, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 313, a bill for an act to legalize certain ordinances of the town of Callender, Webster County, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 221, a bill for an act to amend Section four thousand two hundred fifty-three (4253) of the Code, relating to the partition of real estate and providing for the leasing of the same, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 278, a bill for an act to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking out the word "persons" in the twelfth line thereof and insert in lieu thereof the words "person or persons," and add immediately thereafter the words "to be apprehended." Also amend the same Section by striking out the word "carried" in the eighteenth line thereof and insert in lieu thereof the word "brought." Also amend the same Section by striking out the word "Faca" in the twenty-second line thereof, and insert in lieu thereof the word "Facia."

Amend Section 2 by adding after the word "try" in the first line thereof the words "said cause." Also amend the same Section by striking out in line two the words "condemn and destroy" and insert in lieu thereof the words "then issue an order condemning and destroying." Also amend the same Section by striking out the word "such" in the third line thereof and insert in lieu thereof the word "the," and in the same line after the word "record" insert the words "of such proceedings," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 159, a bill for an act to repeal Section eighteen hundred twenty (1820) of the Code, relating to limitation of actions and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 2 by striking out the words "the same" appearing in line 4, and insert in lieu thereof the words "said notice." Also amend the same Section by striking out the figures "30" appearing in line five thereof, and inserting in lieu thereof the figures "60," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 30, a bill for an act to repeal Section fifteen hundred and seventy-one (1571) of the Supplement to the Code, 1907, relating to steam engines on roads and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 19, a bill for an act to repeal Section fifteen hundred sev-

enty-one (1571) of the Code and to enact a substitute in lieu thereof, relating to traction engines on the public roads, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 205, a bill for an act to amend Section thirty-two hundred seventy (3270) of the Code relating to the disposal of property by will, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 352, a bill for an act to amend Section two hundred and seventy (270) of the Code of 1897, relative to juries in superior courts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 325, a bill for an act to provide for the investigation of water, gas, heat, light or power, works or plants, and the operation thereof; to provide for annual reports with reference to the operation thereof, and prescribing the procedure therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 286, a bill for an act authorizing counties, towns, school districts or drainage districts to convert their bonds, warrants or any

certificates of indebtedness, payable to bearer or to a person, firm or corporation named or bearer, into registered obligations, beg leave to report they have had the same under consideration and recommend the same be referred to Committee on Cities and Towns.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Cities and Towns.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 348, a bill for an act to repeal Section sixty-nine (69) of the Code, and to enact a substitute therefor, providing for a report by the board of parole, also to amend Section two hundred and ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State, also amending Section four hundred and seventy-five (475) of the Code relating to the report of county auditors, also amending Section five thousand six hundred and forty-one (5641) of the Code relating to the duties of sheriff, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 339, a bill for an act to amend Section two hundred and sixty-one (261) of the Supplement to the Code, 1907, relating to superior courts and change of venue therefrom, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 178, a bill for an act authorizing the execution on the part of the State of Iowa to Henry B. Jennings and Charles A. Beno a quit claim deed to a part of Sections twenty-two (22) and twenty-seven (27), township seventy-six (76) north, range forty-four west of the fifth principal meridian in Pottawattamie County, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 260, a bill for an act to repeal Section four thousand seven hundred and seventy-five (4775) of the Code, relating to the carrying of concealed weapons, providing a penalty therefor and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by striking therefrom the title, and substituting in lieu thereof the following as the title:

"A bill for an act to repeal Section four thousand seven hundred and seventy-five (4775) of the Code and to enact a substitute therefor, in relation to the carrying of concealed weapons and fixing a penalty therefor."

Amend the bill by striking out the word and figure "Sec. 2" at the beginning of the fourth line of said bill.

Amend the bill by renumbering "Sec. 3" to read "Sec. 2," and by renumbering "Sec. 4" to read "Sec. 3," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Hammill, 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 for pardon of William Adams, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Marshall County, Iowa, for murder in the first degree, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the said application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of Bernard W. Haley, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Dubuque County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of Hugh Robbard, a con-

vict now confined at Fort Madison, Iowa, under life sentence from the district court of Dubuque County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of Albert Parnitzka, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Van Buren County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of Thomas Watson, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Mills County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of W. M. H. Jones, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Henry County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of W. E. Alexander, a con-

vict now confined at Fort Madison, Iowa, under life sentence from the district court of Polk County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of L. R. Van Tassel, a convict now confined at Anamosa, Iowa, under life sentence from the district court of Chickasaw County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Also:

MR. PRESIDENT—Your committee on Penitentiaries and Pardons, to whom was referred the application for pardon of Thos. C. Robinson, a convict now confined at Fort Madison, Iowa, under life sentence from the district court of Howard County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL,
Chairman.

Adopted.

Senator Chapman asked unanimous consent to have Senate File No. 103, re-referred to the Committee on Pharmacy.

Consent granted.

So the bill was re-referred to the Committee on Pharmacy.

Senator Mattes asked unanimous consent to take up for consideration, the House Concurrent Resolution, relative to the appointment of a committee to investigate into the matter of re-apportioning the judicial districts of Iowa.

Consent granted.

Senator Mattes moved that the Senate concur in the House Concurrent Resolution.

The motion prevailed.

THIRD READING OF BILLS.

On motion of Senator Smith of Des Moines, House File No. 37; a bill for an act to repeal Section Twenty-four Hundred and Forty-five (2445) of the Code and to enact a substitute therefor, with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith of Des Moines moved that the rules be suspended, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Ream, Sammis, Smith of Des Moines, Stuckslager, Van Law, Whipple, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Bruce, De Armand, De Wolf, Hunter, Nichols, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, White, Wilson—14.

On motion of Senator Dowell, Senate File No. 167 a bill for an act making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the state sanatorium for the treatment of tuberculosis with report of committee on Appropriations recommending passage was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendment recommended by the Committee on Claims:

Amend by striking out in the third line of Section 1 the words and figures "Two Thousand Five Hundred Dollars (\$2,500)

and insert in lieu thereof One Thousand Two Hundred Fifty Dollars (\$1,250).”

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Taylor, Van Law, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting.

Senators Bruce, De Armand De Wolf, Hunter, Proudfoot, Smith of Des Moines, Smith of Mitchell, Stuckslager—8.

On motion of Senator Clark, Senate File No. 143, a bill for an act to amend Section Twenty-five Hundred and Seventy-five (2575) of the Code relative to the appropriation to the State Board of Health with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Clark moved the adoption of the following amendment:

Amend by striking out in the last line of Section 1 the word “Twelve” and insert in lieu thereof the word “nine.”

Adopted.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, Wilson—41.

The nays were:

None.

Absent or not voting.

Senators Bruce, Dowell, Hunter, Proudfoot, Smith of Mitchell, Taylor, White, Whiting—8.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 44, a bill for an act to provide that any fiduciary required by law to give a bond may include the expense thereof as part of the lawful expense of executing his trust.

C. R. BENEDICT,
Chief Clerk.

Also;

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

House File No. 399, a bill for an act providing for the trials of persons charged with the commission of the crime of murder who are confined in a prison or reformatory.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 227, a bill for an act to amend Sections 741-g, 741-m, 741-q and 746 of the Supplement to the Code, 1907, relating to the submission of questions to voters.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 248, a bill for an act to amend Section five thousand six hundred and fifty-two of the Code of Iowa relating to hard labor by persons confined in jails.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists upon its amendments to the following bill in which the concurrence of the Senate was asked:

Senate File No. 7, a bill for an act to repeal Sections 499 and 502 of the Code, relating to the duties and powers of the sheriff and his deputies and to provide for the payment of certain expenses and to enact a substitute therefor, and asks for a conference committee and the Speaker names as conference committee on part of House: Lee of Emmet, Davidson of Palo Alto, Schroeder of Crawford.

C. R. BENEDICT,
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. 102, a bill for an act to repeal Section 1571 of the Supplement to the Code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Dowell, House File No. 141, a bill for an act authorizing the Secretary of State to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold, was taken up and considered.

Senator Dowell moved that the report of the Committee on Judiciary recommending indefinite postponement, be adopted.

Adopted.

So the bill was indefinitely postponed.

On motion of Senator McManus, Senate File No. 188, a bill for an act to amend Section Two Hundred and Twenty-nine (229) of the Code of 1897, was taken up and considered.

Senator McManus moved the adoption of the report of the Committee on Judiciary recommending indefinite postponement.

Adopted.

So the bill was indefinitely postponed.

On motion of Senator Larrabee, House File No. 2, a bill for an act to repeal Sections Ten Hundred Fifty-six-a-seventeen (1056-a-17), Ten Hundred and Fifty-six-a-eighteen (1056-a-18), and Ten Hundred and Fifty-six-a-twenty-six (1056-a-26), of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, and to enact substitutes therefor, and to amend Sections Ten Hundred Fifty-six-a-nineteen (1056-a-19), Ten Hundred Fifty-six-a-twenty (1056-a-20), Ten Hundred Fifty-six-a-twenty-one (1056-a-21), Ten Hundred Fifty-six-a-twenty-four (1056-a-24), Ten Hundred Fifty-six-a-twenty-five (1056-a-25), Ten Hundred Fifty-six-a-twenty-eight (1056-a-28), Ten Hundred Fifty-six-a-thirty-two (1056-a-32), Ten Hundred Fifty-six-a-thirty-nine (1056-a-39), of Chapter 14-c of the Supplement to the Code, 1907, all relating to the government of certain cities, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved the adoption of the following amendment:

In the second line of the title insert after the figures “(1056-a-18),” the words and figures “Ten Hundred and Fifty-six-a-twenty-one (1056-a-21).”

Adopted.

Senator Larrabee moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Ream, Saunders, Seeley, Smith

of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—39.

The nays were:

Senator Savage—1.

Absent or not voting:

Senators Bruce, Francis, Hunter, McCulloch, Proudfoot, Quigley, Sammis, Smith of Mitchell, Taylor—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Gilliland asked unanimous consent to have Senate Concurrent Resolution relative to final adjournment of the Thirty-third General Assembly made a Special Order for tomorrow at 11:45 o'clock, A. M.

Consent granted.

REPORT OF COMMITTEE.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred House File No. 149, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, in relation to the issuance, furnishing, and giving of free tickets, free passes, free transportation, and discriminating reduced rates to certain persons, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 367, a bill for an act defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any person, firm or corporation, and providing a remedy in behalf of the husband.

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

REPORT OF COMMITTEE.

Senator Maytag, 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 repeal Section two thousand seven hundred twenty-seven-a (2727-a), Supplement to the Code, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the figures "1907" be inserted following the word "Code" in the second line of the title.

That Section 1 be amended by inserting the figures "1907" after the word "Code" in the second line; also that said Section be amended by inserting after the word "and" in the second line the words "the same."

That Section 1 be amended by striking out the words "for the deaf at Council Bluffs, Iowa," in the fourth and fifth lines; also amend said Section by adding the letter "s" to the word "expense" in the fifth line, and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

HOUSE MESSAGES CONSIDERED.

House File No. 44, a bill for an act to provide that any fiduciary required by law to give a bond may include the expense thereof as part of the lawful expense of executing his trust.

Passed on file.

House File No. 399, a bill for an act providing for the trial of persons charged with the crime of murder who are confined in a prison or reformatory.

Passed on file.

House File No. 227, a bill for an act to amend Sections 741-g, 741-m, 741-q, and 746 of the Supplement to the Code, 1907, relating to the submission of questions to voters.

Passed on file.

House File No. 248, a bill for an act to amend Section 5652 of the Code of Iowa, relating to hard labor by persons confined in jails.

Passed on file.

Senate File No. 7, a bill for an act to repeal Sections 499 and 502 of the Code, relating to the duties and powers of the sheriff and his deputy and to provide for the payment of certain expenses and to enact a substitute therefor, and asks for a Conference Committee and the Speaker names as committee on part of the House: Lee of Emmet, Davidson of Palo Alto and Schroeder of Crawford.

The President announced as Conference Committee on part of the Senate on Senate File No. 7: Senators Cosson, Gilliland, and Moon.

House File No. 102, a bill for an act to repeal Section 1571 of the Supplement to the Code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads.

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

Senator Moon filed the following motion:

I move to reconsider the vote by which the report of the Committee on Railroads on House File No. 149 was adopted by the Senate.

E. G. Moon.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, March 18, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. H. Fleisher of Lenox, Iowa.

On request of Senator Gilliland, leave of absence was granted Senator Saunders for the day.

The President announced the following communication which was read:

Oto, Iowa, March 15, 1909.

HON. G. W. CLARKE, Lieut. Governor,
Des Moines Iowa.

Dear Sir:

On account of ill health I will not be able to serve as assistant door-keeper of the Senate for the balance of this session. I, therefore, tender my resignation as such assistant door-keeper.

Respectfully yours,

A. O. PAGE.

Senator Hunter moved that E. L. Stilson be elected to the position of Assistant Doorkeeper, made vacant by resignation of A. O. Page and that he be allowed pay from March 10, 1909, as he has served in the place since that date.

On the motion a roll call was demanded.

Those favoring the election E. L. Stilson as Assistant Doorkeeper, were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Hammill, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Savage,

Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Bruce, Chapman, Clarkson, Cosson, Foley, Francis, Gilliland, Hoyt, McCulloch, Parshall, Ream, Sammis, Saunders, Whipple—16.

So E. L. Stilson was declared duly elected Assistant Doorkeeper and appeared before the bar of the Senate and was duly sworn.

PETITIONS AND MEMORIALS.

Senator Smith of Mitchell presented 2 petitions from residents of Winnebago County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented remonstrance from residents of Jamieson, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Proudfoot presented 6 petitions from residents of Warren County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Stuckslager presented petition from residents of Jones County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendment and Suffrage.

Senator Taylor presented remonstrance from residents of Bloomfield, Iowa, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Whiting presented petition from residents of Crawford County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Peterson presented petition from residents of Dows, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Seeley presented petition from residents of Des Moines County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from residents of Guthrie County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from residents of Story County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from residents of Butler County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Armand presented petition from residents of Scott County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented 2 remonstrances from residents of Jefferson and Sac City, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Hammill presented petition from Farmers Co-operative Elevator Co. of Burchinal, Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Hammill presented remonstrance from members of Royal Neighbors of America of Klemme, Iowa, against the passage of the Minimum Rate Bill.

Referred to Committee on Insurance.

Senator Hunter presented petition from residents of Woodbury County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Maytag presented petition from residents of Jasper County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Balkema presented petition from residents of O'Brien County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented petition from residents of Polk County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented remonstrance from residents of Warren County, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Francis presented 2 petitions from Kossuth County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented remonstrance from residents of Palo Alto County, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Francis presented 3 petitions from residents of Dickinson County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from residents of Marshall County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented remonstrance from residents of Albion, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Smith of Mitchell presented petition from resident of Worth County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORTS OF COMMITTEES.

Senator Peterson, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 246, a bill for an act to repeal the law as it appears in Section ten hundred and seventy-three of the Code, 1897, relative to the term of office of justices of the peace and constables, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. F. PETERSON,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred House File No. 219, a bill for an act to repeal the law as it appears in Section five hundred sixty-five (565) of the Code, and enact a substitute therefor with regard to election of township assessors in certain townships, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out the word "corporated" in the seventh line of Section one (1) and inserting in lieu thereof the word "corporate," and when so amended the bill do pass.

C. F. PETERSON,
Chairman.

Ordered passed on file.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the words and figures in Section 1 be changed from three hundred dollars (\$300.00) to one hundred fifty dollars (\$150.00), and when so amended the same be referred to the Appropriation committee.

E. H. HOYT,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 191, a bill for an act appropriating the sum of two hundred

nine dollars twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the state, for which he has not been paid, beg leave to report they have had the same under consideration and recommend the same be referred to the Appropriation Committee.

E. H. HOYT,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Senator Gilliland, 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. 226, a bill for an act to amend Section 1530 of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city, beg leave to report they have had the same under consideration, and recommend that the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 226.

A Bill for an Act to Repeal the Law as it Appears in Section Fifteen Hundred Thirty (1530) of the Supplement to the Code, 1907, Relating to the County Road Fund and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section fifteen hundred thirty (1530) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The board of supervisors of each county shall, at the time of levying taxes for other purposes, levy a tax of not more than one mill on the dollar of the assessed value of the taxable properties in its county, including all taxable property in municipalities which shall be collected at the same time and in the same manner as other taxes and be known as the county road fund and be paid out only on the order of the board for the purchase of road tools or machinery or for work done on the roads in the county in such places as it shall determine, provided that on written petition of a majority of the electors who are freeholders of any township in any county the board of supervisors may levy an additional mill in said township to be expended by said board of supervisors on roads in the township where the same is levied. Provided, that the board of supervisors of any county may levy an additional tax of not more than one (1) mill on the dollar of the taxable property in the county including all taxable property in cities and incorporated towns, which tax shall be collected at the same time and in the same manner as other taxes and be known as a county drainage fund, and be paid out only on the order of the board for drainage of highways and paying drainage assessments heretofore levied for benefits to highways in the county or that may hereafter be levied for such purposes.

One-half of the county road fund arising from the property within any municipality shall be paid over by the county treasurer to the treasurer of the municipality in the same manner as other municipal taxes and shall be expended on the roads or streets within such municipality by and under the direction of the council or commission. The county treasurer shall receive the same compensation for collecting this tax as he does for collecting corporation taxes, except as hereinafter provided. Taxes already collected under Section fifteen hundred thirty (1530) of the Supplement to the Code, 1907, and in the hands of the county treasurer shall be paid over to the treasurer of the municipality in the same manner as other municipal taxes. Moneys so collected shall not be transferable to any other fund nor used for any other purpose. The board of supervisors shall levy such additional sum for the benefit of such township as shall have certified a desire for such additional levy as provided for in Section fifteen hundred twenty-eight (1528) of this chapter. The amount for the general township fund and the county road fund shall not exceed in any year five mills on the dollar.

SEC. 2. The administrative bodies of such municipalities shall have authority to appropriate out of the fund arising from such tax, the whole or any part thereof, for the improvement of roads outside of the limits of their municipality where the board of supervisors are making improvements on such roads, in which case the amount of such appropriation shall be paid over to the treasurer of the county for such specific improvement and disbursed by the board of supervisors. If expended by the administrative body of the municipality it shall be expended upon that part of the roads within its limits which are reserved and used for traveling purposes and only upon such roads as are a continuation of country roads which are main arteries of travel, and one-half of the road fund collected within the municipality and retained for disbursement by the board of supervisors shall be by them used on such roads as are main arteries of travel immediately tributary to the municipality for which such tax has been collected. Nothing herein contained shall prevent the board of supervisors from paying over to the treasurer of the municipality the whole or any part of said tax raised within such municipality to be expended by such municipality as herein provided.

SEC. 3. In municipalities where taxes are collected independent of the county treasurer no compensation shall be paid to the county treasurer for the collection of this tax.

SEC. 4. The term municipality as herein used is defined to include cities, towns, cities acting under special charter and those under the commission form of government, and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

The 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. 355, a bill for an act to repeal Chapter 41 of the laws of the Thirty-second General Assembly and to enact a substitute therefor

relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike out the words "Section 2" in the fifth line. Amend by inserting after the word "of" and before the word "paragraph" in the tenth line the words "the law as it appears in." Amend by striking out the semicolon after 1907 in the twelfth line and insert a period in lieu thereof. Amend by striking out the small "t" after 1907 in the twelfth line and insert a capital "T" in lieu thereof to the word "the," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 266, a bill for an act to amend the law as it appears in Sec. 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Sammis (by request), Senate File No. 368, a bill for an act to repeal Section Six Hundred and Forty-eight (648), Title V, Chapter 2, of the Code of 1897, as amended by the acts of the Thirty-second General Assembly, and to enact a substitute therefor.

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

By Senator Mattes, Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members.

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

Senator Stuckslager, from the special committee appointed to visit the several state institutions, submitted the following report:

To the President of the Senate and to the Speaker of the House of Representatives of the Thirty-third General Assembly:

Your committee appointed under Senate Concurrent Resolution to visit the State Educational Institutions of Iowa, beg leave to submit the following as supplemental to its report filed on the 1.1th day of March, 1909:

Your committee, in making its recommendation for library support for the State University, made an error in that the committee acted in the belief that the State University had a permanent income of \$5,000 a year for library support. It appears that the appropriation granted for library support for the State University was for the present biennium. It will be observed from the former report of the committee that it was the intention of the committee to allow the university \$15,000 a year for the next two years and the committee so recommends.

The committee made a further error in the drafting of the former report in the amount recommended for additional support fund. The committee recommended an annual increase of \$22,000 a year and the further sum of \$15,000 a year for the next two years. The latter amount should be \$25,000.00 a year for the next two years, and the recommendation of the committee as to this asking is modified accordingly.

Your committee, in making the recommendation in its report for an appropriation in the sum of \$15,000 for equipment of departments at the College of Agriculture and Mechanic Arts, intended to add to said sum the further sum of five thousand dollars for furnishings and fixtures for the general engineering laboratory, but which was not done through oversight.

The committee therefore recommends that the sum of \$5,000 be appropriated for furnishings and fixtures for the general engineering laboratory.

Respectfully submitted.

W. C. STUCKSLAGER,
F. L. MAYTAG,
WARD WILSON,
N. J. LEE,
CURRAN F. SWIFT,
Committee.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator De Wolf, Senate File No. 220, a bill for an act to regulate the transfer in bulk of stocks of merchandise, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator De Wolf offered the following substitute amendment and moved its adoption:

Amend the bill by striking out all after the enacting clause and substituting in lieu thereof the following:

SECTION 1. No transfer in bulk of any part or the whole of a stock of merchandise, otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the transferor's business, shall be valid as against the creditors of the transferor unless the said transfer be witnessed by a bill of sale, signed and acknowledged by the transferor, describing in a general way the stock or portion of the stock to be transferred and the location thereof, and filed for record in the office of the recorder of the county in which the stock is located.

SEC. 2. For the purpose of enforcing the collection of debts owing by the transferor, the title to the said property shall be held to continue in the transferor for a period of five (5) days from and after the date of the filing for record of the said bill of sale.

SEC. 3. Transfers under this act shall include sales, exchanges and assignments; but nothing in this act shall apply to transfers by or to executors, administrators, receivers, assignees under voluntary assignment for the benefit of creditors, trustees in bankruptcy or by any public officer under judicial process.

Adopted.

The bill as amended was read for information.

Senator Balkema offered the following amendment and moved its adoption:

I move to amend by adding to Section 2 the following: "but a transfer of such stock in whole or in part by a sale that is to be consummated only after taking a written itemized inventory of said stock or of the part or portion thereof that is involved in such sale, shall not be subject to the provisions of this act, provided, that the owner or seller shall keep and retain a true copy of such inventory and permit the inspection thereof by any bonafide creditor."

The amendment was lost.

Senator Adams offered the following amendment and moved its adoption:

Amend by striking out of line 1, Section 1, the following: "any part or the whole of."

On the adoption of the amendment a roll call was demanded.

Those favoring the amendment were:

Senators Adams, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, Fitchpatrick, Francis, Gates, Hoyt, McCulloch, Nichols, Peterson, Proudfoot, Quigley, Sammis, Seeley, Smith of Mitchell, Taylor, Whipple, White—22.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Clark, Cosson, De Armand, De Wolf, Dowell, Foley, Frudden, Hammill, Larrabee, Mattes, Moon, Ream, Smith of Des Moines, Stuckslager, Van Law, Wilson—17.

Absent or not voting:

Senators Bruce, Gilliland, Hunter, McManus, Maytag, Parshall, Saunders, Savage, Stuckslager, Whiting—10.

So the amendment was adopted.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gilliland, Hammill, Hoyt, Larrabee, McManus, Mattes, Moon, Quigley, Ream, Sammis, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting, Wilson—29.

The nays were:

Senators Adams, Brown, Chapman, Clarkson, Francis, Gates, McCulloch, Peterson, Proudfoot, Savage, Seeley, White—12.

Absent or not voting:

Senators Bennett, Bruce, Hunter, Maytag, Nichols, Parshall, Saunders, Taylor—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 6, a bill for an act to repeal Sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred seven (307) of the Code, and to enact a substitute therefor relating to the duties of the county attorney.

Also:

Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 6, a bill for an act to repeal Sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred seven (307) of the Code, and to enact a substitute therefor relating to the duties of the county attorney.

Also:

Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 1, Senate took up for consideration, Senate File No. 51, a bill for an act to amend Section Two Hundred and Fifty-four-a-2 (254-a-2) of the Supplement to the Code, relating to compensation of shorthand reporters.

Senator Van Law moved the adoption of the following amendment offered by him yesterday.

Amend substitute for Senate File No. 51 by adding thereto the following:

And by inserting after the figures (\$1,200.00) in the sixth line of said section the words: "when such reporter has been engaged in court one hundred days or less per year or sixteen hundred (\$1,600.00) dollars when such reporter has been engaged in court more than one hundred days."

Senator Seeley offered the following substitute amendment and moved its adoption:

Amend the substitute for Senate File No. 51 by adding thereto the following: "provided however that no reporter shall receive a per diem in excess of two thousand dollars in any one year."

Further consideration of the bill was postponed.

INTRODUCTION OF BILLS.

By Senator Cosson, Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

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

Senator Francis moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M. President Clarke presiding.

PETITIONS AND MEMORIALS.

Numerous petitions were presented by various Senators signed by the voters of Iowa favoring the re-submission of the prohibitory amendment to the voters of Iowa. All of which were referred to the Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from citizens and voters of Lamoni, Decatur County and voters from Union County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Cherokee County favoring the passage of House File No. 4, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Seeley presented remonstrance from residents of Wayland, Iowa against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Peterson presented petition from residents of Hardin County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator McCulloch presented petition from residents of Wayne County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented petition from residents of Wapello County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Chapman presented petition from residents of Cedar County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from residents of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from residents of Hancock County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator De Armand, Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

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

By Senator De Armand, Senate File No. 372, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred and Thirty-four-h (2734-h) of the Supplement to the Code, 1907, relating to the certification of teachers.

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

By Senator Larrabee, Senate File No. 373, a bill for an act to amend Section Ten Hundred Fifty-six-a9 (1056-a9) of the Supplement to the Code, 1907, relating to the publication of the State Auditor's report of municipal accounts.

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

By Senator Larrabee (by request), Senate File No. 374, a bill for an act to amend Section One Hundred Twenty-five (125) of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

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

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 51, a bill for an act to amend Section Two Hundred and Fifty-four-a2 (254-a2) of the Supplement to the Code, relating to compensation of shorthand reporters.

On the adoption of the substitute amendment offered by Senator Seeley a roll call was demanded.

Those favoring the adoption of the substitute amendment were:
Senator Seeley.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Burgess, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—31.

Absent or not voting:

Senators Bennett, Bruce, Chapman, Clark, Cosson, De Wolf, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Saunders, Smith of Mitchell, Stuckslager, Taylor—17.

So the substitute amendment was lost.

Senator Mattes offered the following amendment to the amendment offered by Senator Van Law, and moved its adoption:

I move to amend by striking out the words, "Sixteen Hundred Dollars" and insert in lieu thereof the words, "Fourteen Hundred Dollars."

On the adoption of the amendment to the amendment a roll call was demanded.

Those favoring the adoption of the amendment to the amendment were:

Senators Larrabee, Mattes, Maytag, Nichols, Seeley, Smith of Mitchell, Taylor, White—8.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Van Law, Whipple, Whiting, Wilson—30.

Absent or not voting:

Senators Balkema, Brown, Bruce, Chapman, Cosson, De Wolf, McManus, McCulloch, Parshall, Saunders, Stuckslager—11.

So the amendment to the amendment was lost.

Senators Francis offered the following amendment to the amendment offered by Senator Van Law.

Amend by inserting after the word "hundred" in each place where it appears in the amendment the words, "and twenty-five."

On the adoption of the amendment to the amendment a roll call was demanded.

Those favoring the adoption of the amendment to the amendment were:

Senators Adams, Allen of Pocahontas, Bennett, Brown, Burgess, Clark, Fitchpatrick, Francis, Gilliland, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Proudfoot, Ream, Seeley, Smith of Mitchell, Taylor, White—21.

The nays were:

Senators Allen of Van Buren, Clarkson, De Armand, Dowell, Foley, Frudden, Gates, Hammill, Hoyt, Moon, Quigley, Sammis, Savage, Van Law, Whipple, Whiting, Wilson—17.

Absent or not voting:

Senators Balkema, Bruce, Chapman, Cosson, De Wolf, McManus, Parshall, Peterson, Saunders, Smith of Des Moines, Stuckslager—11.

So the amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuck-slager, Taylor, Van Law, Whipple, White, Whiting. Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Bruce, Burgess, Chapman, Cosson, McManus, Parshall, Saunders—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Senate took up for consideration Senate Concurrent Resolution relative to final adjournment of the Thirty-third General Assembly on April 1, 1909, at 12:00 o'clock noon.

Senator Gilliland moved the adoption of the Concurrent Resolution.

Adopted.

INTRODUCTION OF BILLS.

By Senator Whipple, Senate File No. 375, a bill for an act amendatory and additional to Paragraph Three of Section Thirty-five Hundred and Five (3505) of the Code, providing for change of place of trial in civil actions.

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 227, a bill for an act to amend sections seven hundred forty-one-g (741-g), seven hundred forty-one-m (741-m), seven hundred forty-one-q (741-q), and seven hundred forty-six (746) of the Supplement to the Code, 1907, relating to the submission of questions to voters.

Also:

House File No. 248, a bill for an act to amend section five thousand six hundred and fifty-two (5652) of the Code, relating to hard labor by persons confined in jails.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Also:

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 make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

Also:

House File No. 44, a bill for an act to amend section three hundred and sixty (360) of the Code, relating to bonds by guarantee companies.

Also:

House File No. 415, a bill for an act to amend the law as it appears in section thirteen hundred six-b (1306-b) of the Supplement to the Code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating waterworks, electric light and power plants, gas works and heating plants, or building and constructing sewers.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced as committee on part of the Senate, purusant to Concurrent Resolution, relative to re-apportioning the judicial districts of the State of Iowa, Senators Mattes and Foley.

THIRD READING OF BILLS.

On motion of Senator Hunter, Senate File No. 227, a bill for an act to amend the law as it appears in Section Three Thousand and Forty-one (3041) of the Code, relating to usury, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Hunter, Senate File No. 228, a bill for an act to amend the law as it appears in Section Three Thousand Forty-seven (3047) of the Supplement to the Code, 1907, relating to the assignment of open accounts, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Moon, Senate File No. 268, a bill for an act amending the law as it appears in Section Eleven Hundred Thirty-seven-a-three (1137-a-3) of the Supplement to the Code, 1907, relating to the filing of statements of receipts and expenditures by chairman of the State, district and county committees, repealing said section and enacting a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Moon offered the following amendment and moved its adoption:

I move to amend by striking therefrom the words "within five" in the third and fourth lines of the printed bill and inserting in lieu thereof the words "not less than three nor more than seven."

Adopted.

Senator Adams offered the following amendment and moved its adoption:

I move to amend by inserting the words "and expenditures" after the word "receipts" in line 5 and the words "and going out of" after the word "into" in line 5.

And strike out all of the sentence except the period following the word "thereof" in line 6.

The amendment was lost.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Brown, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hunter, Larrabee, McManus, Moon, Quigley, Ream, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—24.

The nays were:

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Clark, Gilliland, Hammill, Hoyt, Mattes, Maytag, Nichols, Peterson, Proudfoot, Sammis, Savage, Seeley, Stuckslager, Whipple, White—19.

Absent or not voting:

Senators Bruce, Chapman, Cosson, McCulloch, Parshall, Saunders—6.

So the bill having failed to receive a constitutional majority was declared lost.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 203 and 6.

Senator Dowell asked unanimous consent to have Senate File No. 178 returned to the Committee on Judiciary.

Consent granted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 6, a bill for an act to repeal sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred

seven (307) of the Code, and to enact a substitute therefor relating to the duties of the county attorney.

Also:

Senate File No. 203, a bill for an act to legalize the ordinances of the town of Norwalk, Warren County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Wilson, Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Wilson moved the adoption of the following amendments:

Insert after the comma, at the end of the sixteenth line of Section 1, the words "or during a period of not exceeding twelve (12) hours, when a switch engine is being cleaned or washed out."

Insert before the word "or" in the eighteenth line of Section 1, the words "or needed repairs."

Adopted.

The bill was read for information.

Senator Wilson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream,

Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Cosson, Mattes, Parshall, Saunders, White—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Stuckslager, Senate File No. 98, a bill for an act for the relief of the grantees, O. J. Felton, and for the purpose of having a patent issued in the name of Thos. Willmont for a certain tract of land, was taken up and considered.

Senator Stuckslager moved that the Senate concur in the following House amendment:

By inserting after the word "thereof" in the last line of Section 1 the following: "Provided, however, that this shall not affect pending litigation."

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

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, Gates, Mattes, Maytag, Nichols, Parshall, Saunders, White—9

So the amendments having received a constitutional majority were concurred in.

On motion of Senator Hunter, Senate File No. 218, a bill for an act to amend Section 2157-g of the Supplement to the Code, 1907, relating to free passes by common carriers with report of committee recommending substitute and passage was taken up, considered, and the report of the committee adopted.

Senator Hunter moved that the substitute be substituted for the original bill.

Carried.

Senator Hunter moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, Cosson, Larrabee, Parshall, Saunders—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Pocahontas, Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas, and the town council of said incorporated town, in the County of Pocahontas and State of Iowa, in relation to the establishment, erection and

maintenance and extension of a system of water-works in said town, and the issuance of warrants to said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend by striking out "Section 5," the publication clause.

Adopted.

Senator Allen of Pocahontas, moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols. Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, Mattes, Parshall, Saunders, Stuckslager—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hammill, Senate File No. 295, a bill for an act with respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes; to provide for the enforcement of the act, and to provide civil and criminal

liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited; to repeal and prohibit city and town ordinances on the subject, and to repeal all laws in conflict with this act, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Further consideration of the bill was postponed and the substitute was ordered printed in the Journal.

SUBSTITUTE FOR SENATE FILE No. 295.

A Bill for an act with respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes, and providing punishment therefor; and to repeal and prohibit the enactment and enforcement of city and town ordinances relative thereto, and to repeal all laws in conflict with this act.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Any person who carries on, opens or causes to be opened, or who conducts or causes to be conducted, or operates or runs, as principal, agent or employe, any game of monte, fan-tan, poker, craps, faro, roulette, or the game commonly called round-the-table poker, or solo, or any banking or percentage game, or any game commonly known as a sure thing game, or any game of chance played with cards, dice, or any device whatever, or who runs or conducts or keeps any slot machine, or other similar machine, or permits the same to be run or conducted for money, checks, credits, or any representative of value, or for any property or thing whatever, or any person owning or in charge of any house, building or place, who permits any of the games mentioned in this section to be played in or about such house, building or other place, or permits any slot machine or other similar machine to be kept therein, shall be deemed guilty of a misdemeanor and be punishable by a fine of not less than one hundred nor more than one thousand dollars, and may be imprisoned for not less than three months nor more than one year, or by both such fine and imprisonment.

SEC. 2. Any person who has in his possession, or under his control, or who permits to be placed, maintained or kept in any room, space, enclosure, place or building owned, leased or occupied by him, or under his management or control, any faro box, faro lay-out, roulette wheel, roulette table, crap table, slot machine, or any machine or apparatus of the kind mentioned in the preceding Section of this act, shall be deemed guilty of a misdemeanor and be punishable by a fine of not less than one hundred nor more than one thousand dollars, or may be imprisoned not less than three months nor more than one year, in the discretion of the court. Provided, however, that this section shall not apply to a public officer, or to a person coming into possession thereof in or by reason of the performance

of an official duty and holding the same to be disposed of according to law.

SEC. 3. Every person who, by means of any game, device, sleight-of-hand trick, or other means whatever, by the use of cards or other implements other than those mentioned in the next Section hereof, or which betting on sides, or hands of any such game or play, fraudulently obtains from another person money or property of any description, shall be deemed guilty of larceny of property of like value.

SEC. 4. Every person who uses or deals with or wins any money or property by the use of brace faro, or of any two-card faro box, or any brace roulette wheel or roulette table, or any brace apparatus, or with loaded dice or with marked cards, or by any game commonly known as a confidence game or bunco, shall be deemed guilty of a felony and be punishable by imprisonment in the penitentiary of the State of Iowa not exceeding five years.

SEC. 5. Any person who persuades or solicits another to visit any room, tent, apartment or place used, or represented by the person soliciting or persuading, to be a place used for the purpose of running any of the games prohibited by this act, shall be deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment not less than three months, nor more than one year, or by both such fine and imprisonment in the county jail.

SEC. 6. Every person who, having been convicted of a violation of any of the provisions of this act, which is punishable by fine, commits another such violation after such conviction, shall be deemed guilty of misdemeanor and be punished by a fine of not less than five hundred nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than one year.

SEC. 7. Any article, machine or apparatus maintained or kept in violation of any of the provisions of this act, shall be deemed a public nuisance and abated as hereinafter provided.

SEC. 8. It shall be the duty of every officer authorized to make arrests, to seize every machine, apparatus or instrument answering to the description contained in this act, or which may be used for the carrying on or conducting of any game or games mentioned in this act, to arrest the person actually or apparently in possession or control thereof, or of the premises in which the same may be found, if any such person be present at the time of the seizure, and take the machine, apparatus, or instrument and the prisoner, if there be one, before a committing magistrate.

SEC. 9. The magistrate before whom any machine, apparatus or instrument is brought, pursuant to the preceding Section, must, if there be a prisoner, and if he shall hold such prisoner, cause the machine, apparatus or instrument to be delivered to the county attorney to be used as evidence on the trial of such prisoner. If there be no prisoner, or if the magistrate does not hold the prisoner he must cause the immediate and public destruction of the machine, apparatus or instrument, in the presence of said magistrate. No person owning or claiming to own any such machine, apparatus or instrument so destroyed, shall have any right of

action against any person or against the state, county, or city for the value of such article, or for damages. It shall be the duty of the county attorney to produce such articles in court on the trial of the case.

It shall be the duty of the trial court, after the final disposition of the trial, whether the defendant be convicted, acquitted or fails to appear for trial, to cause the immediate and public destruction of any such article by the sheriff or any other officer or person designated by the court.

SEC. 10. Every sheriff, constable and every peace officer having probable cause to believe that any room, tent or apartment is being used as a room, tent or apartment for the playing or conducting of any of the games mentioned in this act, shall have authority to break open any door, or opening into any such room, tent or apartment, with or without a warrant of arrest, for the purpose of arresting the offenders against this act.

SEC. 11. Every county attorney, sheriff, constable, chief of police, marshal, police or peace officer, must inform against and make complaint and diligently prosecute persons whom they know, or whom they may have reasonable cause to believe to be offenders against the provisions of this act.

SEC. 12. It shall be the duty of every mayor of every town or city in this state, to cause this act to be diligently enforced and to cause the police officers of his city or town to arrest and to make complaint against any and all persons whom he or they know, or have reasonable cause to believe to be offenders against any of the provisions of this act.

SEC. 13. No person shall be excused from attending or testifying or producing any books, papers, documents, or anything or things before any court or magistrate upon any investigation, proceeding or trial of a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise required of him, may tend to convict him of a crime or subject him to a penalty or forfeiture, but no testimony or evidence so given or produced shall be received against him in any civil or criminal proceeding, action or investigation.

SEC. 14. Upon the passage of this act, all ordinances and parts of ordinances of cities and towns in this state regarding gambling and gambling houses shall be inoperative and void, and thereafter no ordinance regarding gambling or gambling houses shall be passed by any city or town, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

On motion of Senator Adams, Senate File No. 328, a bill for an act to amend the law as it appears in Section 2113 of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Adams moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Burgess, Cosson, Gilliland, Hammill, McManus, Parshall, Saunders, White—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

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

The President announced that as President of the Senate, he had signed, in the presence of the Senate, House Files Nos. 227, 248, 415, 44, 1.

Senator Smith of Mitchell moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 19, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. A. E. Slothower of Corydon, Iowa.

PETITIONS AND MEMORIALS.

Senator De Armand presented petition from residents of Davenport, Iowa, asking for the relinquishment in favor of the African M. E. Church of Davenport, of the State's rights in the estate of Jack Wright, deceased.

Referred to Committee on Judiciary.

Senator Chapman presented petition from residents of Cedar County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator White presented petition from Iowa and Johnson Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented remonstrance from voters of Four Mile Township, Polk County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Gilliland presented petition from residents of Page County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from residents of Linden, Dallas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented remonstrance from residents of Mills County, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Hunter presented petition from residents of Salix, Iowa, favoring the passage of a bill providing for a state inspector of bees.

Referred to Committee on Agriculture.

Senator Dowell presented remonstrance from residents of Polk County, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Cosson presented petition from residents of Guthrie County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Quigley presented remonstrance from residents of McGregor, Iowa, against the passage of Senate File No. 103, relative to licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Savage presented petition from residents of Adair and Madison Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition from Baptists of Iowa conference of the Swedish Evangelical Church of America and faculty of Des Moines College, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented remonstrance from residents of Stanton, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Cosson presented remonstrance from residents of Guthrie County, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Fitchpatrick presented petition from residents of Story County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented petition from residents of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented remonstrance from residents of Plano, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Peterson presented petition from residents of Wright County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Savage presented petition from residents of Madison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition from residents of Warren County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented petition from residents of Polk County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Armand presented petition from residents of Scott County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented petition from residents of Ringgold County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Wolf presented petition from residents of Black Hawk and Grundy Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from residents of Bremer County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Dowell presented petition from residents of Page County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gilliland presented remonstrance from residents of Shenandoah, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Burgess presented remonstrance from residents of Cresco, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Gilliland presented petition from residents of Mills County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Nichols presented remonstrance from Muscatine Typographical Union No. 251, of Muscatine, Iowa, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Nichols presented petition from residents of Muscatine County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented petition from residents of Kossuth County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 367, a bill for an act defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any person, firm, or corporation, and providing a remedy in behalf of the husband, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding after the word "corporation" in the third line, the words "including any municipal corporation," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 261, a bill for an act to amend the law as it appears in Section five thousand seven hundred eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles; also to amend Section five thousand six hundred twenty-six (5626) of the Code, relating to pardons and the revision of fines and forfeitures, beg leave to report they have had the same under consideration and recommend the same be amended as follows: Amend the bill by striking out Section 1 and Section 3, and renumbering "Section 2" to read "Section 1," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor and providing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 368, a bill for an act to repeal Section six hundred and forty-eight (648), Title V, Chapter 2, of the Code of 1897, as amended by the Acts of the Thirty-second General Assembly, and to enact a substitute therefor, beg leave to report they have had the same under consideration

and recommend the same be referred to the Committee on Cities and Towns.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Cities and Towns.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 81, a bill for an act to provide for the payment of a reward for the arrest and conviction of persons stealing live stock in the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No 13. a bill for an act providing for the taxing and collecting of attorneys' fees as a part of the costs in suits on bonds in any proceeding pending in any of the courts in this State, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 361, a bill for an act to amend Section three hundred thirty-five (335) of the Code relating to the selection of persons to serve as petit and grand jurors and talesmen, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 255, a bill for an act creating a jury commission, prescribing the duties thereof, providing for the qualifications of jurors, the manner of preparing and who shall constitute the jury list, the manner of drawing grand and petit jury panels and the manner of drawing and summoning grand and petit jurors, also defining certain offenses and pro-

viding penalties therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Peterson, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 215, a bill for an act to amend the law as it appears in Section 1137-a-7 of the Supplement to the Code of 1907, relating to elections and voting machines, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the word "of" in the title of the bill following the word "Code" in the second line and inserting in lieu thereof a comma, and that Section one (1) be amended by inserting after the word "Code" in the second line the figures "1907" followed by a comma, and when so amended the bill do pass.

C. F. PETERSON,
Chairman.

Ordered passed on file.

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

MR. PRESIDENT—Your committee on Military, to whom was referred House File No. 259, a bill for an act to repeal Title eleven of the Code and the law as it appears in Title eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa," beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Appropriations.

J. D. BROWN,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Senator Wilson, from the Committee on Public Lands, submitted the following report:

MR. PRESIDENT—Your committee on Public Lands, to whom was referred Senate File No. 359, a bill for an act repealing Section two thousand nine hundred-a-twenty-five (2900-a-25) of the Code Supplement and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes, beg leave to report they have had the same under consideration and recommend the same do pass.

J. L. WILSON,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 1, a bill for an act to establish an insurance department, providing for an insurance commissioner and fixing his compensation and term of office, with report of committee recommending indefinite postponement, was taken up, considered and the report of the committee adopted.

So the bill was 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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 8, a bill for an act authorizing the district court or judge to remove officers for misfeasance, malfeasance or nonfeasance in office, and providing for method of procedure therefor.

C. R. BENEDICT,

Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 118, a bill for an act relating to bills of lading, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Mitchell moved the adoption of the following amendments:

By inserting after the word “act” in the title thereof, the words “defining and.”

Adopted.

The bill was read for information.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Frudden, Hoyt, Parshall, Sammis, Whipple—6.

Senator Gilliland offered the following amendment to the title of the bill and moved its adoption:

I move to amend the title by substituting the following:

“A bill for an act relating to Bills of Lading, defining the same, prescribing their terms, and fixing the penalty for violation thereof.”

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Mattes moved that the House be requested to return to the Senate House File No. 1.

Carried.

On motion of Senator Francis, Senate File No. 314, a bill for an act to repeal Sections Twenty-five Hundred and Sixty-three-a (2563-a), Twenty-five Hundred and Sixty-three-b (2563-b), Twenty-five Hundred Sixty-three-c (2563-c), Twenty-five Hundred Sixty-three-d (2563-d), Twenty-five Hundred and Sixty-three-e (2563-e), Twenty-five Hundred and Sixty-three-f (2563-f), and Twenty-five Hundred and Sixty-three-g (2563-g), Twenty-five Hundred Sixty-three-h (2563-h), of the Supplement to the Code, 1907, and to enact in lieu thereof the following, relating to protection of game, with report of committee recommending passage, was taken up and considered.

Senator Francis offered the following amendment and moved its adoption:

I move to amend the printed bill as follows:

1. By striking out of the title in the last two lines the words "in lieu thereof the following" and substituting therefor the words "a substitute therefor."
2. By striking out the word "each" in line two (2), of Section Four (4), and substituting therefor the word "the."
3. By adding in line twelve (12) of Section Four (4), between the words "and" and "if" the words "said applicant."
4. By inserting between the words "game" and "he" in line 5 of Section Seven (7), the word "unless."
5. By striking out the word "section" in line sixteen (16) of Section Seven (7), and substituting therefor the word "act."

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to strike from the bill as it appears in the printed bill, beginning with the word "provided" in the seventh line in Section four, and ending with the word "issuance" in the eleventh line thereof.

Adopted.

Senator Peterson offered the following amendment and moved its adoption:

I move to strike from Section Eight of the bill all following the word "this" in the fourth line of the printed bill and insert in lieu thereof the word "act" and a period following said word.

Adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting—39.

The nays were:

Senators Brown, Quigley, Wilson—3.

Absent or not voting:

Senators Adams, Bruce, De Wolf, Hoyt, Parshall, Ream, Taylor—7.

So the bill having received a consitutional 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 herewith returns the following bill as requested by the Senate:

House File No. 1, a bill for an act to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 169, a bill for an act to amend Section Thirty-four Hundred and Fifty-six (3456) and additional to Chapter Two (2) of Title Eighteen (18), of the Code, relating to limitations of actions, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Mitchell moved the adoption of the following amendment:

Amend by striking out Section Two (2).

Adopted.

The bill as amended was read for information.

Senator Peterson moved that the time for adjournment be extended for the disposal of the bill under consideration.

Carried.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Fitchpatrick, Foley, Frudden, Gates, McCulloch, Mattes, Maytag, Nichols, Peterson, Saunders, Savage, Seeley, Smith of Des Moines, White, Whiting, Wilson—24.

The nays were:

Senators Adams, Allen of Van Buren, De Wolf, Dowell, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Moon, Proudfoot, Quigley, Sammis, Smith of Mitchell, Van Law, Whipple—17.

Absent or not voting:

Senators Bruce, Cosson, De Armand, McManus, Parshall, Ream, Stuckslager, Taylor—8.

So the bill having failed to receive a constitutional majority was declared lost:

Senator Adams moved to reconsider the vote by which Senate File No. 169, failed to pass the Senate.

Senator Adams moved that the motion to reconsider be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senator Adams, Allen of Van Buren, De Wolf, Dowell, Francis, Gilliland, Hammill, Hoyt, Moon, Proudfoot, Quigley, Sammis, Van Law, Whipple, Wilson—15.

The nays were:

Senators' Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Foley, Frud-den, Gates, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peter-son, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, White, Whiting—25.

Absent or not voting:

Senators Bruce Fitchpatrick, Hunter, McManus, Parshall, Ream, Seeley, Stuckslager, Taylor—9.

So the motion to lay on the table was lost.

Senator De Wolf moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., Pres-ident Clarke presiding.

On request of Senator Smith of Des Moines leave of absence was granted Senator Ream for the day.

On request of Senator Savage leave of absence was granted Senator Hoyt for the afternoon.

PETITIONS AND MEMORIALS.

Senator Nichols presented remonstrance from residents of Lost Nation, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Quigley presented remonstrance from residents of Mc-Gregor, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Foley presented petition from residents of Floyd Coun-ty favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented remonstrance from residents of Greene County against the passage of Senate File No. 103 relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Clarkson presented petition from residents of Marion County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Bennett presented petition from residents of Adams and Page Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from residents of Keokuk County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Peterson presented petition from residents of Hardin County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from residents of Butler and Franklin Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Gates presented petition from residents of Butler County favoring the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

Senator Van Law presented petition from residents of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator Stuckslager, Senate File No. 376 a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa, empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurer of such cities, and providing for special assessments and the levy of special taxes for the improvement of the banks and beds of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied, to the fire department or general fund.

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

By Senator Seeley Senate File No. 377, a bill for an act to amend Section Twenty-seven Hundred and Eighty-one (2781) of the Code, relating to the publication of annual financial statements of independent city or town districts.

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

By Senator Moon, Senate File No. 378, a bill for an act defining the offense and providing a punishment for the purchase of intoxicating liquors, or the inducing the purchase of the same, by persons to whom the sale of such liquors is forbidden by law.

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

REPORTS OF COMMITTEE.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 350, a bill for an act to prevent placing obstructions on the streets and highways and providing a penalty therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Highways, to whom was referred Senate File No. 265, a bill for an act relating to the building of county bridges, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out all after the figure "10" in Section 10 of said bill and inserting in lieu thereof the following:

Any person making an affidavit pursuant to the provisions of this act who shall make any false statements or allegations in said affidavit shall be guilty of perjury and punished accordingly, and when so amended the bill do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Senator Smith of Des Moines, moved that Senate File No. 160 be recalled from the Committee on Public Health.

Carried.

MESSAGES FROM THE HOUSE.

The following messages were received from the Senate:

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. 231, a bill for an act making appropriation for additional improvements at the Iowa state fair and exposition grounds.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 4, a bill for an act to amend the law as it appears in Section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employees.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 1, a bill for an act to make an appropriation for the removal of the remains of Ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson county, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

Passed on file.

Senate File No. 8, a bill for an act authorizing the Governor to remove officers for misfeasance, malfeasance or nonfeasance in office.

Passed on file.

House File No. 231, a bill for an act making appropriation for improvements and land at the Iowa State Fair and Exposition Grounds.

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

Senate File No. 4, a bill for an act to amend the law as it appears in Section Twenty Hundred and Seventy-one (2071) of the 1907 Supplement to the Code, relative to the liability of corporations operating a railway for negligence or wrongs of employees.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Mattes, House File No. 1, a bill for an act to make an appropriation for the removal of the remains of Ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson county, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory was taken up and considered.

Senator Mattes moved to reconsider the vote by which House File No. 1 passed the Senate and also the vote by which the bill passed to its third reading.

Carried.

Senator Mattes offered the following amendment and moved its adoption.

In the preamble line 15 the word "Broggs" should be "Briggs."

Amend Section 1, line 3, by adding the word "Dollars" after the words "one thousand."

Amend Section 3, line 8, by adding the word "Dollars" after the word "one thousand."

Amend Section 4, line 4, by adding the word "Dollars" after the words "one thousand."

Adopted.

Senator Mattes moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Bruce, Cosson, De Armand, Frudden, Hoyt, Maytag, Parshall, Ream, Whipple, Whiting—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Seeley, 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. 26, a bill for an act to repeal Section 481 of the Code relating to the compensation of deputy auditors and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 27, a bill for an act to repeal Section 496 of the Code relating to the compensation of deputy recorders and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 29, a bill for an act to repeal Section four hundred and ninety-one (491) of the Code relating to the compensation of deputy treasurers and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 66, a bill for an act to amend Section 5716 of the Code relating to the increasing of the salaries of the turnkeys and guards at the Ft. Madison penitentiary, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator Peterson, Senate File No. 379, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred Eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole, to establish rules and regulations governing paroles.

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

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 169, a bill for an act amending Section Thirty-four Hundred Fifty-six (3456) and additional to Chapter Two (2) of Title Eighteen (18) of the Code, relating to limitations of actions, was taken up and considered.

On the motion to reconsider the vote by which the bill failed of passage a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Fitchpatrick, Frudden, Gates, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, White, Wilson—27.

The nays were:

Senators Adams, Allen of Van Buren, De Wolf, Dowell, Francis, Gilliland, Hammill, Moon, Proudfoot, Quigley, Sammis, Van Law—12.

Absent or not voting:

Senators Bruce, Clark, Cosson, Foley, Hoyt, Hunter, Parshall, Ream, Whipple, Whiting—10.

So the motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Fitchpatrick, Frudden, Gates, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor. White, Wilson—28.

The nays were:

Senators Adams, Allen of Van Buren, De Wolf, Dowell, Francis, Gilliland, Hammill, Moon, Proudfoot, Quigley, Sammis, Van Law—12.

Absent or not voting:

Senators Bruce, Clark, Cosson, Foley, Hoyt, Parshall, Ream, Whipple, Whiting—9.

So the bill having received a consitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen of Van Buren asked unanimous consent to have Senate File No. 13 made a Special Order to follow Special Order No. 2, on Senate File No. 158, set for Tuesday, March 23d, at 10:00 o'clock, A. M.

Consent granted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 2, a bill for an act to repeal Sections ten hundred fifty-six-a-seventeen (1056-a-17), ten hundred fifty-six-a-eighteen (1056-a-18), and ten hundred fifty-six-a-twenty-six (1056-a-26) of Chapter fourteen-c (14-c) of the Supplement Code of Iowa and to enact substitutes therefor, and to amend Sections ten hundred fifty-six-a-nineteen (1056-a-19), ten hundred fifty-six-a-twenty (1056-a-20), ten hundred fifty-six-a-twenty-one (1056-a-21), ten hundred fifty-six-a-twenty-four (1056-a-24), ten hundred fifty-six-a-twenty-five (1056-a-25), ten hundred fifty-six-a-twenty-eight (1056-a-28), ten hundred fifty-six-a-thirty-two (1056-a-32) and ten hundred fifty-six-a-thirty-nine (1056-a-39) of Chapter fourteen-c (14-c) of the Supplement Code of Iowa, all relating to the government of certain cities.

C. R. BENEDICT,
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. 175, a bill for an act to amend Section 1303 of the Supplement to the Code, 1907, relating to levying of taxes by boards of supervisors.

C. R. BENEDICT,
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. 182, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission and providing additional funds therefor.

C. R. BENEDICT,
Chief Clerk.

Also :

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

Substitute for Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a board of examiners in optometry.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Chapman, Senate File No. 331, a bill for an act authorizing the State Board of Control to enter into a contract for the employment of certain inmates of the reformatory at Anamosa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Dowell moved that further consideration of the bill be postponed until tomorrow at 10:00 o'clock, A. M.

The motion was lost.

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Larrabee, Mattes, Maytag, Nichols, Peterson, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White—28.

The nays were:

Senators Burgess, Clarkson, Dowell, Moon—4.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, De Wolf, Hoyt, Hunter, McCulloch, McManus, Parshall, Proudfoot, Quigley, Ream, Savage, Stuckslager, Taylor, Van Law, Whiting, Wilson—17.

So the bill having received a consitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, House File No. 274, a bill for an act to amend the law as it appears in Section Four Thousand Seven Hundred Seventy-one (4771) of the Code, relating to punishment for the crime of assault with intent to inflict great bodily injury, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cosson moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Van Law, Whipple, White—35.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, Dowell, Hoyt, McManus, Parshall, Proudfoot, Ream, Savage, Smith of Mitchell, Stuckslager, Taylor, Whiting, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Fitchpatrick moved that Senate File No. 31 be made a Special Order for Wednesday, March 24th at 9:30 o'clock, A. M.

Carried.

Senator Saunders, moved that Senate File No. 130 be made a Special Order for Thursday, March 25th, at 10:00 o'clock, A. M.

Carried.

Senator Gilliland filed the following motion:

I move to reconsider the vote by which the Concurrent Resolution for final adjournment passed the Senate.

SHIRLEY GILLILLAND.

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 15, a bill for an act to repeal Section Two Thousand Seven Hundred Twenty-seven-a (2727-a), Supplement to the Code, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Maytag moved the adoption of the following amendments:

That the figures "1907" be inserted following the word "Code" in the second line of the title.

That Section 1 be amended by inserting the figures "1907" after the word "Code" in the second line; also that said section be amended by inserting after the word "and" and in the second line the words "the same."

That Section 1 be amended by striking out the words "for the deaf at Council Bluffs, Iowa," in the fourth and fifth lines;

also amend said section by adding the letter "s" to the word "expense" in the fifth line.

Adopted.

The bill was read for information.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, Hoyt, McManus, Parshall, Ream, Sammis, Savage, Stuckslager, Taylor, Whiting, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator Allen of Pocahontas, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 247, a bill for an act to amend the law as it appears in Sections nineteen hundred eighty-nine-a-3 (1989-a-3) nineteen hundred eighty-nine-a-11 (1989-a-11), nineteen hundred eighty-nine-a-31 (1989-a-31) of the Supplement to the Code, 1907, relating to the establishment of drainage districts and the location and construction of levees, ditches, drains and the change of water-courses, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

"That Section one of the bill be amended by striking out the word "several" in the eighth line thereof and inserting the word "served" in lieu thereof.

That Section two of the bill be amended by adding thereto the following: That said Section be further amended by striking out all the words commencing with the word "said" in the first line of said Section and ending with the word "begun" and inserting in lieu thereof the following words: "if after the establishment of the drainage district," and when so amended the bill do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 244, a bill for an act to amend Section four hundred and fifty-eight-c (458-c) and four hundred fifty-eight-d (458-d) of the Supplement to the Code, 1907, relating to domestic animals and the payment of damage therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. H. ALLEN,
Acting Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 209, a bill for an act to amend the law as it appears in Section fifteen hundred and thirty (1530) of the Supplement to the Code, 1907, creating a county drainage fund, providing for its collection and prescribing the manner in which the same shall be paid out, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 108, a bill for an act to repeal Section sixteen hundred seventy-five (1675) of the Supplement to the Code and to enact a substitute therefor, relative to farmers' institutes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. H. ALLEN,
Acting Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 109, a bill for an act to repeal Section thirteen hundred sixty-three (1363) of the Code, relating to statistics, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 121, a bill for an act to amend Section one thousand five hundred and seventy (1570) of the Supplement to the Code, 1907, providing for the time when osage orange, willow and other hedge fences shall be trimmed, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 121.

A Bill for an act to amend Section fifteen hundred and seventy (1570) of the Supplement to the Code, 1907, to provide for the trimming of hedges and the growing of osage posts.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section fifteen hundred and seventy (1570) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the first six lines of said section and enacting the following in lieu thereof:

"Owners of osage orange, willow, or any other hedge fence along the public highway, unless the same shall be used for the purpose of growing posts, or as a wind break for orchards or live stock, shall keep the same trimmed back within five feet of the ground at least once every year, when so ordered by the trustees of their respective townships, and where the owner of said fence desires to grow posts he shall keep the underbrush trimmed out to the height of seven feet to permit free circulation of air and light, and he shall also burn or remove from the road the trimmings so cut; and when so amended, the bill do pass.

J. H. ALLEN,
Acting Chairman.

Substitute was read first and second time and passed on file.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 380, a bill for an act acquiring by condemnation proceedings by cities and towns of heat-

ing plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending Section Seven Hundred Twenty-two (722) of the Supplement to the Code, 1907.

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

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate amendments to the following bill, in which the concurrence of the House was asked:

House File No. 208, a bill for an act to repeal Sections 2565, 2568 of the Code and Sections 2570-A, 2570-A-1, 2570-B, 2571 and 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of local boards of health, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Frudden, Senate File No. 315, a bill for an act giving cities and towns including cities acting under special charters, power to provide by ordinance for the trimming of trees along the public streets and sidewalks and to assess the cost thereto to the owners of the abutting property with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Frudden moved the adoption of the following amendment.

Strike out the words "March and October" in the last line of the bill and substitute therefor the words "July and September."

Adopted.

The bill was read for information.

Senator Frudden moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Bennett, Brown, Burgess, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—34.

The nays were:

Senator Francis—1.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Bruce, Chapman, Clark, Clarkson, Dowell, Hoyt, McManus, Parshall, Quigley, Savage, Stuckslager, Taylor—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 Cosson, Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the city of Perry, Dallas county, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and records as fully and exactly as if the law in every particular had been complied with was taken up and considered.

Senator Cosson moved that the Senate concur in the following House Amendment:

By adding after the word "law" in the last line of Section one the following: "provided, however, that this act shall not affect pending litigation."

On the question, "Shall the Senate concur in the House Amendment?"

The ayes were :

Senators Adams, Allen of Pocahontas, Balkema, Chapman, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Wilson—34.

The nays were :

None.

Absent or not voting :

Senators Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Hoyt, McManus, Parshall, Ream, Savage, Stuckslager, Taylor, Whiting—15.

So the amendment having received a constitutional majority was declared concurred in.

On motion of Senator Fitchpatrick, House File No. 337, a bill for an act amending the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a), Supplement to the Code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Fitchpatrick moved that the rules 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 ayes were :

Senators Adams, Allen of Van Buren, Balkema, Bennett, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—32.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Brown, Bruce, Burgess, Clarkson, Frudden, Hammill, Hoyt, Hunter, McManus, Parshall, Quigley, Ream, Savage, Stuckslager, Taylor, White—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 191, a bill for an act to amend the law as it appears in Section 2477-d, 1907 Supplement to the Code, relating to authority of officers to demand proof of age of children employed and defining what said proof shall be with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Clarkson, De Wolf, Gilliland, Hoyt, McCulloch, McManus, Parshall, Ream, Saunders, Savage, Stuckslager, Taylor—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that after the correction of the Journal and the consideration of House Messages, the Senate adjourn.

Carried.

HOUSE MESSAGES CONSIDERED.

Senate File No. 91, a bill for an act to define and regulate the practice of Optometry and for creation of a Board of Examiners in Optometry.

Passed on file.

House File No. 208, a bill for an act to repeal Sections 2565, 2568 of the Code, and Sections 2570-a, 2570-a-1, 2570-b, 2571 and 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health, and to enact a substitute therefor.

Passed on file.

House File No. 2, a bill for an act to repeal Sections Ten Hundred Fifty-six-a Seventeen (1056-a-17), Ten Hundred Fifty-six-a Eighteen (1056-a-18), and Ten Hundred Fifty-six-a Twenty-six (1056-a 26), of Chapter Fourteen-C (14-C) of the Supplement Code of Iowa and to enact substitutes therefor, and to amend Sections Ten Hundred Fifty-six-a Nineteen (1056-a 19), Ten Hundred Fifty-six-a Twenty (1056-a 20), Ten Hundred Fifty-six-a Twenty-one (1056-a 21), Ten Hundred Fifty-six-a Twenty-four (1056-a 24), Ten Hundred Fifty-six-a Twenty-five (1056-a 25), Ten Hundred Fifty-six-a Twenty-eight (1056-a 28), Ten Hundred Fifty-six-a Thirty-two (1056-a 32), and Ten Hundred Fifty-six-a Thirty-nine (1056-a 39), of Chapter Fourteen-C (14-C) of the Supplement Code of Iowa, all relating to the government of certain cities.

Passed on file.

House File No. 175, a bill for an act to amend Section 1303 of the Supplement to the Code, 1907, relating to levying taxes by Board of Supervisors.

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

House File No. 182, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission and providing additional funds therefor.

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

Senator Sammis asked unanimous consent to have Senate File No. 366 withdrawn from the Committee on Railroads and referred to the Committee on Cities and Towns.

Consent granted.

On request Senator Sammis was granted leave of absence until Monday noon.

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

The President declared the Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 20, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President pro tem Smith presiding.

Prayer was offered by the Rev. R. W. Matheny of Jefferson, Iowa.

On request of Senator Larrabee, leave of absence was granted Senator Van Law for the day.

On request of Senator Whipple, leave of absence was granted Senator Stuckslager for the day.

On request of Senator Hammill, leave of absence was granted Senator De Wolf for the day.

On request of Senator Mattes, leave of absence was granted Senator Clark for the forenoon.

PETITIONS AND MEMORIALS.

Senator Hoyt presented petition from residents of Buchanan County, favoring re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Brown presented 2 petitions from residents of Union County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator McCulloch presented petition from residents of Russell, Iowa, favoring the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Peterson presented petition from residents of Hamilton County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Smith of Des Moines presented remonstrance from members of Local Union No. 202, Street Electrical Employees, against the passage of the Wage Exemption Bill.

Referred to Committee on Commerce and Retail Trade.

Senator Francis presented remonstrance from residents of Emmetsburg, Iowa, against the passage of Senate File No. 103, relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Hunter presented remonstrance from residents of Woodbury County, against the proposed changes in the School Laws.

Referred to Committee on Schools.

Senator Smith of Des Moines presented petition from residents of Des Moines County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Smith of Des Moines presented petition from residents of Des Moines County favoring the passage of the bill for the protection of game.

Referred to Committee on Fish and Game.

Senator Smith of Des Moines presented petition from residents of Burlington, Iowa favoring certain changes in the school laws.

Referred to Committee on Schools.

Senator Taylor presented remonstrance from residents of Appanoose County against Senate File No. 103 relative to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Cosson presented petition from residents of Guthrie County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional amendments and Suffrage.

Senator Taylor presented petition from residents of Davis County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional amendments and Suffrage.

Senator Cosson presented petition from residents of Dallas County, favoring the re-submission of the prohibitory amendment to the voter of Iowa.

Referred to Committee on Constitutional amendments and Suffrage.

REPORTS OF COMMITTEE.

Senator Gilliland, 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. 285, a bill for an act to repeal Section 1306-e of the Supplement to the Code relating to bonds of cities and towns and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend that the following substitute be recommended for passage:

SUBSTITUTE FOR SENATE FILE NO. 285.

A Bill for an Act to Repeal Section Thirteen Hundred and Six-e (1306-e) of the Supplement to the Code, 1907, Relating to the Issuance of Bonds by Cities and Towns, and to Enact a Substitute Therefor, relating to the same subject.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section thirteen hundred and six-e (1306-e) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

"If a majority, in cities having more than 10,000 population, or if, in cities and towns having a population of 10,000 or less, two-thirds or more of the electors voting at the council of such city or town shall issue the same as provided by Section seven hundred and twenty-six (726) of the Code and make provision for the payment of the bonds and interest thereon as provided by law."

SEC. 2. This act shall be held to apply to any city or town whose qualified electors have heretofore authorized the issuance of such bonds by such election.

SHIRLEY GILLILLAND,
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 Senate File No. 346, a bill for an act amending Section 565 of the Code, relating to the appointment of deputy assessors in any township including a city under special charter, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debts, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

In the first line of Section 1, after the word "city" add the words "of the first class or city," and after the word "part" in the first line of Section 1, add the words "or divided;" also amend by striking out the word "navigable" in the first and second lines of Section 1, and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 206, a bill for an act to amend the law as it appears in Chapter 14-c of the Supplement to the Code, 1907, relating to the government of certain cities and conferring additional powers upon such cities, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SENATE SUBSTITUTE FOR SENATE FILE NO. 206.

A Bill for an Act to Amend the Law as it Appears in Title V, Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, Relating to the Government of Certain Cities, and Conferring Additional Powers Upon Such Cities.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Title V, Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, be amended by adding thereto

the following additional provisions for the government of cities now or hereafter organized under said act.

That whenever in any such city proceedings have been or shall be begun for the purpose of providing flood protection under the provisions of Chapter eight-a of Title V of the Supplement to the Code, 1907, the council shall have power after the election in said chapter provided for has been had, and without again submitting the matter at an election; to divide the work into sections or districts, and determine what property will be benefited by the work or improvement in each section or district; to omit parts of said work or any section or district; and to contract for any section or district separately and proceed therewith the same as if the entire work or improvement was contracted for, done or made.

SEC. 2. That in all cases where special assessments are authorized and no other mode of proceeding is provided by law, the assessment shall be made as near as practicable in the manner provided for assessing the cost of street improvement and sewers.

SEC. 3. That any such city shall have power to issue certificates as provided in Sections seven hundred fifty-eight-a, seven hundred fifty-eight-b, seven hundred and fifty-eight-c, of the Supplement to the Code, 1907, for the whole or any part of the expense of repairing bridges.

SEC. 4. That in every such city the owner of any street railway occupying or using any bridge shall construct, reconstruct and repair the paving or flooring on said bridge three and one-half feet each way from the center line of the space between the rails of its tracks, the same to be ordered, done, assessed and paid for in the manner provided for paving in Section eight hundred thirty-four and eight hundred thirty-five of the Code.

SEC. 5. That in addition to the taxes now or hereafter authorized by law every such city shall have the power to levy upon all taxable property therein the following taxes, viz., a tax of not more than one and five-tenths mills on the dollar for the purpose of caring for and improving the parks of said city; a tax of not more than one mill on the dollar for the purpose of caring for and improving any cemetery owned by such city.

SEC. 6. That every such city shall have the power to create a fund from tax levies heretofore or hereafter authorized for cemeteries or from the sale of lots in cemeteries, or from sources, including bequests or donations for the permanent maintenance of cemeteries, and the fund thus created shall not be used for any other purpose; and the city council shall have the authority to cause such accumulations to be invested in bonds of the United States or in municipal bonds or certificates or other evidence of indebtedness issued by authority of and according to law of this or any other state when such bonds are at or above par.

SEC. 7. That any such city, by a two-thirds vote of its council shall have authority to lease any city property for a term of not exceeding one year, from the date of leasing the same, wherein the judgment of the council expressed by a two-thirds vote thereof, any such property may not be

needed for the immediate use of such city, and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Substitute was read first and second time and passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 167, a bill for an act making an appropriation for Thomas H. Rattenburg on account of injuries received by him at the State Sanatorium for the treatment of tuberculosis.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 150, a bill for an act to amend the law as it appears in Section 511 of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 1, a bill for an act to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 206, a bill for an act to amend the law as it appears in Chapter 14-c of the Supplement to the Code, 1907, relating to the government of certain cities and conferring additional powers upon such cities, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Dowell moved that the substitute be substituted for the original bill.

Carried.

Senator Dowell moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Moon, Nichols, Peterson, Quigley, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Clarkson, De Wolf, Foley, Frudden, Larrabee, Mattes, Maytag, Parshall, Proudfoot, Ream, Sammis, Savage, Stuckslager, Van Law, Whiting—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 214, a bill for an act to amend Section seventeen hundred forty-one (1741) of the Code relating to insurance, and applications and representations for insurance, and to provide remedies therein, beg leave

to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Insurance, to whom was referred House File No. 173, a bill for an act to amend Section one thousand seven hundred eighty-nine (1789) of the Code, relating to the assignment of life insurance policies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Quigley, House File No. 36, a bill for an act providing for the establishment of street sprinkling districts in cities and towns, and to levy a tax therein for street sprinkling purposes, additional to Chapter Six (6), Title Five (5) of the Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Further consideration of this bill was postponed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams 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 make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 266, a bill for an act to amend the law as it appears in Section 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, De Armand, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Bruce, Clarkson, Cosson, DeWolf, Dowell, Foley, Hunter, McManus, Maytag, Parshall, Sammis, Smith of Des Moines, Stuckslager, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator White, Senate File No. 273, a bill for an act to amend Section 2077-a of the Supplement to the Code, 1907, relating to the posting of bulletins, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator White moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Cosson, De Armand, Fitchpatrick, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Clark, Clarkson, De Wolf, Dowell, Foley, Francis, Gilliland, McManus, Maytag, Nichols, Parshall, Sammis, Saunders, Stuckslager, Van Law—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Savage, House File No. 109, a bill for an act to repeal Section Thirteen Hundred Sixty-three (1363) of the Code, relating to statistics, and enacting a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Savage moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes,

Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Bruce, De Wolf, Foley, Gilliland, McManus, Maytag, Parshall, Ream, Sammis, Stuckslager, Van Law—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that the vote by which Senate File No. 266, passed the Senate be reconsidered.

Carried.

Senator Saunders moved that the vote by which Senate File No. 266 passed to its third reading be reconsidered.

Carried.

On motion of Senator Peterson, Senate File No. 247, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a-3 (1989-a-3), Nineteen Hundred Eighty-nine-a-11 (1989-a-11), and Nineteen Hundred Eighty-nine-a-31 (1989-a-31), of the Supplement to the Code, 1907, relating to the establishment of drainage districts and the location and construction of levees, ditches, drains and the change of water-courses, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell was called to the Chair at 10:05 o'clock.

Senator Peterson moved the adoption of the following amendments:

That Section 1 of the bill be amended by striking out the word "several" in the eighth line thereof and inserting the word "served" in lieu thereof.

That Section 2 of the bill be amended by adding thereto the following:

That said section be further amended by striking out all the words commencing with the word "said" in the first line of said section and ending with the word "begun" and inserting in lieu thereof the following words: "if after the establishment of the drainage district."

Adopted.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Bruce, De Wolf, Dowell, McCulloch, Mayatg, Parshall, Sammis, Saunders, Stuckslager, Van Law—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 312, a bill for an act to repeal Section 2111 of the Code and to enact a substitute therefor, relating to the appointment, organization, powers, and duties of the board of railroad commissioners and to repeal Section 2122 of the Code and to enact a substitute therefor relating to the regulation of railroads and other common carriers and telegraph and telephone companies and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the

board of railroad commissioners, and for an act additional to Chapter seven of the Code, relating to the regulation of railroads and other common carriers, etc., beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Senator Smith, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred House File No. 223, a bill for an act to amend Section 1, Chapter 122, of the laws of the Twenty-ninth General Assembly, relating to the support of the Iowa school for the deaf at Council Bluffs, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the title be amended by striking out the words and figures, "Section one (1), Chapter one hundred and twenty-two (122), of the laws of the twenty-ninth General Assembly," and by inserting in lieu thereof, words and figures following: "The law as it appears in Section twenty-seven hundred and twenty-seven-a (2727-a) of the Supplement to the Code, 1907."

And that Section one (1) of the bill be amended by striking out of lines one and two (1 and 2) thereof, words and figures following: "that Section one (1), Chapter one hundred and twenty-two (122) of the laws of the Twenty-ninth General Assembly" and inserting in lieu thereof: "That the law as it appears in Section twenty-seven hundred and twenty-seven-a (2727-a) of the Supplement to the Code, 1907," and when so amended the bill do pass.

FRED N. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred House File No. 369, a bill for an act in regard to admission to the soldiers' home and payment for support by members, beg leave to report they have had the same under consideration and recommend the same do pass.

FRED N. SMITH,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 209, a bill for an act to amend the law as it appears in Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, creating a county drainage fund, providing for its collection and prescribing the manner in which the same shall be paid out, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Brown, Bruce, De Wolf, Dowell, Maytag, Parshall, Sammis, Stuckslager, Van Law—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

President pro tem Smith resumed the Chair at 10:30 o'clock.

On motion of Senator Hammill, Senate File No. 295, a bill for an act with respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes; to provide for the enforcement of the act, and to provide civil and criminal liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited, to repeal and prohibit city and town ordinances on the subject, and to repeal all laws in conflict with this act, was taken up and considered.

The bill was read for information.

Senator Cosson offered the following amendment and moved its adoption:

I move to amend the substitute for Senate File No. 295 by striking out in the tenth line of Section 2 thereof the comma after the word "officer" and the words "to a."

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 4 of the bill by striking out the word "punishable" as it appears in lines 5 and 6 of the substitute in the Journal of March 18th and by inserting in lieu thereof the word "punished."

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend Section 13 by striking out the period following the word "investigation" in the last line thereof and insert a comma and the following, "except for perjury committed in so testifying."

Adopted.

Senator Adams offered the following amendment and moved its adoption:

Amend Section 1 by inserting the following after the comma following the word "therein" in line 13, "or any person who buys or sells chances or tickets on anything of value."

Adopted.

Senator Francis moved to reconsider the vote by which the amendment offered by Senator Adams was adopted.

Carried.

Senator Frudden moved the previous question on the amendment.

Carried.

Senator Adams moved that the vote by which the previous question was ordered be reconsidered.

Carried.

Senator Adams offered the following amendment to the amendment:

I move to strike out the words "or tickets" as they appear in the amendment.

Adopted.

On the adoption of the amendment as amended a roll call was demanded.

Those favoring the adoption of the amendment as amended were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Burgess, Clark, Clarkson, Cosson, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Nichols, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Taylor, Whipple, Whiting—26.

The nays were:

Senators Allen of Van Buren, Brown, De Armand, Foley, McCulloch, Wilson—7.

Absent or not voting:

Senators Bruce, Chapman De Wolf, Dowell, Fitchpatrick, McManus, Mattes, Maytag, Moon, Parshall, Quigley, Sammis, Savage, Smith of Des Moines, Stuckslager, Van Law—16.

So the amendment as amended was adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend Section 14 by striking out the period following the word "town" in the last line thereof and inserting a semicolon and the words "provided that in any case not covered by this act an ordinance may be enacted prohibiting the same and providing punishment therefor.

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend the bill by striking out Section 14, as amended.

Senator Balkema moved that the time for adjournment be extended 30 minutes.

Carried.

Senator Allen of Van Buren moved the previous question on the amendment and the bill.

Carried.

The amendment was adopted.

Senator Hammill moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, Cosson, Dowell, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Saunders, Seeley, Smith of Mitchell, Taylor, Whipple, Whiting—29.

The nays were:

Senators Larrabee, Wilson—2.

Absent or not voting:

Senators Bruce, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, McManus, Nichols, Parshall, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Stuckslager, Van Law, White—18.

Senator Gilliland offered the following amendment to the title of the bill.

I move to amend the title of the bill by inserting after the comma following the word "purposes" the words "or the solicitation of persons to visit where gambling is carried on."

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Burgess moved that when the Senate adjourn it be until 9:00 o'clock, A. M. Monday.

Carried.

REPORTS OF COMMITTEES.

Senator Allen of Pocahontas, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 102, a bill for an act to repeal Section fifteen hundred seventy-one (1571) of the Code and to enact a substitute in lieu thereof, relating to traction engines on public roads, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 71, a bill for an act providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections fifteen hundred twenty-eight (1528) and fifteen hundred thirty (1530) of the Supplement of the Code, 1907, and enacting substitutes therefor, and repealing Sections fifteen hundred sixty-two (1562) and fifteen hundred sixty-two-a (1562-a) of the Supplement of the Code, 1907, and repealing Sections fifteen hundred sixty-four (1564), fifteen hundred sixty-five (1565) and five thousand twenty-four (5024) of the Code, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 71.

A Bill for an Act Providing for the Destruction of Weeds and Noxious Weeds on the Public Highways and Lands Adjacent Thereto; and the Destruction of Noxious Weeds on Railway Right-of-ways and Grounds and Making it the Duty of the Township Trustees and County Supervisors to Enforce the Provisions of this Act; Amending the Law as it Appears in Sections One Thousand Five Hundred and Twenty-eight (1528), One Thousand Five Hundred and Thirty (1530) of the Supplement to the Code, 1907, and Repealing the Law as it Appears in Sections One Thousand Five Hundred and Sixty-two (1562) and One Thousand Five Hundred and Sixty-two-a (1562-a) of the Supplement to the Code, 1907, and Sections One Thousand Five Hundred and Sixty-four (1564), One Thousand Five Hundred and Sixty-five (1565) and Five Thousand and Twenty-four (5024) of the Code.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. It shall be the duty of every person, firm or corporation owning, occupying or controlling lands, town and city lots, land used as right-of-way, depot grounds or for other purposes, to cut, burn or otherwise entirely destroy all weeds of the kinds mentioned in Section two (2)

hereof at such times in each year and in such manner as shall prevent the said weeds from blooming or coming to maturity.

SEC. 2. The following weeds are hereby declared to be noxious weeds, namely: Quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), cocklebur (*Xanthium canadense*), wild mustard (*Brassica arvensis*), sour or curled dock (*Rumex Eristus*) smooth dock (*Remux Altissimus*), buckhorn or ribbed plantain (*Plantago lanceolata*), and wild parsnip (*Pastinaca sativa*), horse nettle (*Solanum carolinense*) and velvet weed or button weed (*Abutilon Theophrasti*) and burdock (*Arctium Lappa*).

SEC. 3. It shall be the duty of the township trustees or other officers responsible for the care of public highways in each township in this state to destroy or cause to be destroyed all noxious weeds mentioned in Section two (2) hereof or unnecessary brush on the highways in such a manner as to effectively prevent the production of their seeds or their propagation in any other manner, to warn out labor or to employ labor for this purpose in the same manner as for repairs to the highways, and for neglect or failure to perform this work they shall be subjected to the penalties in this act. If any occupant of lands adjacent to the public highways neglect or refuse to destroy the noxious weeds upon his land, or shall fail to prevent the said noxious weeds from blooming or coming to maturity, when such weeds are likely to be the means of infesting the public highway, or upon complaint of any land owner to the township trustees that his lands have been or are likely to be infested by weeds from the lands of another including railway right-of-way, the trustees shall make investigation of such condition or complaint and if the same appears to be well founded they shall make an order fixing the time within which the weeds shall be prevented from maturing seed, and an order that within one year such noxious weeds shall be permanently destroyed, and prescribing the manner of their destruction and shall forthwith give notice to the occupant of the land where the noxious weeds exist, and if he shall neglect to obey such order within the time so ordered the trustees may cause such noxious weeds to be permanently destroyed and the cost of the work shall be recovered from the owner by a special tax to be certified by the township clerk in the same manner as other road tax not paid.

SEC. 4. The destruction of noxious weeds in the public highway and other public places is hereby made a part of the road work of the township trustees and the county supervisors and they shall have authority to expend road funds for the destruction of weeds.

SEC. 5. The law as it appears in Section fifteen hundred and twenty-eight (1528) of the Supplement to the Code, 1907, is hereby amended as follows, namely:

By inserting after the comma in the eighth line thereof the following words: "and for the destruction of noxious weeds in public highways and other public places," and by striking out the word "four" in the tenth line of said Section and inserting the word "six" in lieu thereof.

SEC. 6. The law as it appears in Section fifteen hundred and thirty of the Supplement to the Code, 1907, is hereby amended as follows, namely: By inserting after the word "county" in the eighth line thereof the following words: "or for the destruction of noxious weeds" and by insert-

ing after the word "streets" in the sixteenth line of said Section the words "or for the destruction of noxious weeds" and by striking out the word "five" in the twenty-fifth line of said Section and inserting the word "seven" in lieu thereof.

SEC. 7. Between November and the succeeding April of each year the county supervisors shall call a meeting of the township trustees and the road supervisors of the county to consider the best methods of road work and weed destruction, and in the public interest may secure the services of experts to give instruction in road building and weed destruction. For such attendance the same compensation shall be allowed to the trustees and road supervisors and the county supervisors as is allowed by law for other services, to be paid as other expenses. The expenses of experts herein provided for may be paid from the county road fund.

SEC. 8. It shall be the duty of township trustees and other officers directly responsible for the care of public highways to cause to be cut near the surface all weeds on the public highway in their respective districts at such times and in such manner as to prevent seeds from maturing.

SEC. 9. Any person, firm or corporation violating any of the provisions of this act, or any township trustees, inspector or other officer who neglects or fails to perform the duties incumbent on him under the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00).

SEC. 10. The law as it appears in Sections fifteen hundred and sixty-two (1562), fifteen hundred sixty-two-a (1562-a) and fifteen hundred and sixty-three (1563) of the Supplement to the Code, 1907, and Sections fifteen hundred and sixty-four (1564) and fifteen hundred and sixty-five (1565) and Section five thousand and twenty-four (5024) of the Code are hereby repealed, and when so amended the bill do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 174, a bill for an act to provide for the payment of bounties for killing groundhogs, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 71, a bill for an act to repeal Section twenty-three hundred and sixty-seven (2367) of the Code defining a lawful fence, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend by striking out the words and figures "twenty-six (26)" in the thirtieth line of Section 2 of the original substitute bill and inserting in lieu thereof the words and figures "not less than twenty-four (24)."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-fourth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend by striking out the words and figures "a twenty inch (20)" in the thirty-fifth line of said Section and inserting in lieu thereof the words and figures "not less than eighteen (18) inch."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-eighth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-ninth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend the title by striking out the period after the word "fence" and adding the following words: "and to enact a substitute therefor," and when so amended the bill do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 372, a bill for an act to amend the law as it appears in Section 2734-h of the Supplement to the Code, 1907, relating to the certification of teachers, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 381, a bill for an act to amend the law as it appears in Section Four Hundred and Ninety (490) of the Supplement to the Code, 1907, by adding to said section a sub-division numbered "6" providing additional pay to the County treasurers in counties having levee and drainage districts.

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

Senator Clarkson offered the following Concurrent Resolution:

THAT WHEREAS, The Wabash Railway Company has put into effect a rate of \$1.50 per ton on coal shipments in car lots from Illinois coal fields to Des Moines, and which rate includes and affects the shipment of material of like character with proportionate rates to intermediate points, and

WHEREAS, Other railroads, including the Northwestern, Iowa Central and Milwaukee roads, have put in similar rates based on a \$1.60 rate from Chicago to Des Moines, with proportionate rates to intermediate points, and

WHEREAS, Said railroads and others have not made a like or proportionate rate from Iowa coal producing points into the trade territory of the Iowa mines, and

WHEREAS, Said rates so made by said railroad companies are discriminatory as against the Iowa mines and dealers in like products and in favor of the Illinois mines and dealers, and

WHEREAS, The haul from Chicago to Des Moines is that of 358 miles and the Iowa distance tariff rate is \$1.00 per ton for a hundred miles, and

WHEREAS, The said discriminatory rates will seriously affect 17,000 mine employes in Iowa engaged in the coal industry, by depriving them of their natural market for their products and thereby reduce the working forces, and

WHEREAS, Proceedings before the State Board of Railroad Commissioners instituted by private individuals will be subjected to delays incident to the usual methods of procedure necessarily employed, and thereby subjected to delays beyond the time when relief would be of material benefit to the coal interests of the State of Iowa; therefore

Be it Resolved by the Senate of the Thirty-third General Assembly of the State of Iowa, the House Concurring, That we hereby request the Iowa State Board of Railroad Commissioners to make immediate investigation of the true situation, growing out of the conditions brought about by said rates with a view of taking proper steps to make a reduction in the Iowa distance tariffs, covering coal and like commodities, to become effective at the earliest moment possible, and be in proportion to the said rates on shipments of Illinois coal to Iowa points.

JOHN L. CLARKSON.

INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions.

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

Senator Allen of Pocahontas moved that House File No. 121 be re-referred to the Committee on Agriculture.

Carried.

HOUSE MESSAGES CONSIDERED.

Senate File No 167, a bill for an act making an appropriation for Thomas H. Rattenburg on account of injuries received by him at the State Sanitorium for the treatment of tuberculosis.

Passed on file.

House File No. 1, a bill for an act to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson County, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

Passed on file.

Senate File No. 150, a bill for an act to amend the law as it appears in Section 511 of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners.

Passed on file.

The President announced that he had signed in the presence of the Senate, House File No. 1.

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

Senator Burgess moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 22, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. H. W. Porter of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Hunter presented remonstrance from druggists of Woodbury County, against the passage of Senate Files Nos. 16, 59, and 302, relating to the sale of intoxicating liquors and narcotics.

Referred to Committee on Pharmacy.

Senator Taylor presented remonstrance from residents of Plano, Iowa, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Cosson presented petition from residents of Dallas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented petition from residents of Fremont County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hoyt presented petition from residents of Delaware and Buchanan Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Seeley presented remonstrance from residents of Wayland, Iowa, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Allen of Van Buren presented remonstrance from residents of Jefferson County, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Peterson presented petition from residents of Wright County, favoring an appropriation for the Agricultural Extension work of the Iowa State College at Ames.

Referred to Committee on Appropriations.

Senator Van Law presented remonstrance from residents of Marshall County, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Van Law presented petition from residents of Marshall County favoring a revision of the tax laws.

Referred to Committee on Ways and Means.

Senator Van Law presented petition from residents of Clemons, Marshall County, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented remonstrance from residents of Palo Alto County against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

REPORT OF COMMITTEE.

Senator Taylor, 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. 308, a bill for an act to establish a department of horticulture and forestry, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike out the words "the first Friday after the second Wednesday in December, to transact such business as may come before them," in lines eleven, twelve and thirteen of Section 1, and in lieu thereof insert the words: "a date to be fixed by them in December, to transact business."

Also amend by adding after the word "Supplement" in line three of Section 4, the words and figures "to the Code, 1907," and when so amended the bill do pass.

L. L. TAYLOR,
Chairman.

Ordered passed on file.

Senator Gilliland asked unanimous consent to withdraw Senate File No. 356, from the Committee on Suppression of Intemperance.

Consent granted.

Senator Cosson from the Committee on Suppression of Intemperance returned to the Senate, Senate File No. 356.

Senator Gilliland asked unanimous consent to withdraw from consideration of the Senate, Senate File No. 356.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 383, a bill for an act to amend the law as it appears in Section Nineteen Hundred and Eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds.

Read first and second time and placed on Calendar.

REPORT OF COMMITTEE.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred House File No. 300, a bill for an act to amend Section fifteen hundred nine (1509) of the Code and Section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the power and duties of the trustees, board of regents and board of control in regard to roads and highways in and around lands owned by the state, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 300.

A Bill for an Act to Amend Section Fifteen Hundred Nine (1509) of the Code Relating to the Power and Duties of the Trustees, Board of Regents and Board of Control in Regard to Roads and Highways and to Amend Section Fifteen Hundred Thirty-two-a (1532-a) of the Supplement to the Code, 1907, Relating to Road Districts.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section fifteen hundred nine (1509) of the Code be and the same is hereby amended by striking out the word "commissioners" in the first line and inserting in lieu thereof the words "board of regents or board of control," also by striking out the word "commissioners" in the fourth line and inserting in lieu thereof the words "board of regents or board of control."

SEC. 2. That Section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, be amended by striking out the letter "A" in the number thereof and by inserting in line six after the word "district" the words "except as provided herein" and by adding to said Section the following:

That all roads and highways within and adjacent to lands belonging to the state shall constitute a separate road district under the control and supervision of a supervisor appointed by said board of control, with all the powers, duties and responsibilities imposed upon road supervisors; and that the cost of maintaining, repairing, renewing and improving said roads, except county bridges, after deducting the road and road poll taxes collected from those who are liable to the payment of the same within said road district, shall be paid out of any general funds in the hands of the State Treasurer not otherwise appropriated, and when so amended the bill do pass.

J. I. NICHOLS,
Chairman.

Substitute read first and second time and passed on file.

THIRD READING OF BILLS.

On motion of Senator Larrabee, House File No. 132, a bill for an act to amend the law as it appears in Sections 4019 and 4020 of the Code, relating to the preference of debts owing for labor and the filing and allowing of claims therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

Senator Balkema—1.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Clarkson, DeWolf, Fitchpatrick, Mattes, Parshall, Quigley, Ream, Sammis, Saunders, Stuckslager—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Bennett, House File No. 208, a bill for an act to repeal Section Twenty-five Hundred and Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), and Twenty-five Hundred and Seventy-b (2570-b), of the Supplement to the Code, 1907, relating to the Care of Affected Persons and paying of quarantine expenses was taken up and considered.

Senator Bennett moved that the Senate insist on its amendments to the bill and ask for a conference committee.

Carried.

On motion of Senator Wilson, Senate File No. 359, a bill for an act repealing Section Two Thousand, Nine Hundred-a-twenty-five (2900-a 25) of the Code Supplement and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Wilson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Cosson, Dowell, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Bruce, Burgess, Clarkson, De Armand, De Wolf, Fitchpatrick, Gates, Mattes, Parshall, Ream, Sammis, Saunders, Smith of Mitchell, Van Law—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 Chapman, Senate File No. 321, a bill for an act to prohibit the use of type larger than ten (10) point long primer or smaller than six (6) point nonpareil in the publication of notices of suicides and prescribing conditions for such publication, and providing a penalty for violation thereof, was taken up and considered.

The motion filed by Senator Chapman to reconsider the vote by which the bill failed of passage, prevailed.

The motion to reconsider the vote by which the bill passed to its third reading prevailed.

Senator Chapman moved that the rules be suspended, 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 ayes were:

Senators Burgess, Chapman, Clark, Foley, Gilliland, Hoyt, Hunter, McCulloch, Moon, Nichols, Peterson, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—19.

The nays were:

Senators Francis, Hammill, Larrabee, Proudfoot, Quigley, Savage, Whiting—7.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, McManus, Mattes, Maytag, Parshall, Ream, Sammis, Saunders, Smith of Des Moines—23.

So the bill having failed to receive a constitutional majority was declared lost.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 384, a bill for an act to amend the law as it appears in Section Seven Hundred Forty-one-f (741-f), Chapter Four, Title Five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

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

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 333, a bill for an act making an appropriation to defray the expenses of the Lincoln program, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as a nurse at the

Mt. Pleasant State Hospital, Mt. Pleasant, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 191, a bill for an act appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the state for which he has not been paid, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 354, a bill for an act to repeal Section two thousand five hundred and thirty-four (2534) of the Supplement to the Code, 1907, and to enact a substitute therefor, and to amend Section five thousand twenty-eight-j (5028-j) of the Supplement to the Code, 1907, all relating to the state veterinary surgeon, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate Joint Resolution No. 3, relative to the appointment of a commission to investigate the natural resources and waterways of the state and defining the duties of such commission, and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "Be it resolved by the Senate, the House Concurring," in the twelfth line of said bill and insert in lieu thereof the words "Be it Enacted by the General Assembly of the State of Iowa."

Also in Section 2, last line, strike out the words and figures "and five (\$5) dollars per diem for time actually employed," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 231, a bill for an act making appropriation for additional improvements at the Iowa State Fair and Exposition grounds, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 200, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition Grounds, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections twenty-five hundred and seventy-five-a-forty-eight (2575-a-48) and Section twenty-five hundred and seventy-five-a-forty-nine (2575-a-49) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and make appropriations therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That Section 1 be amended by inserting after the word "each" in the eighth line thereof "not more than three of whom shall be members of the same political party," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 174, a bill for an act creating a legislative business committee to visit, inspect, examine and investigate state institutions, officers, departments, commissions and the official acts, doings and proceedings of state officers and employes, defining the duties, power and authority of such committee and providing for an appropriation to defray the expenses, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 122, a bill for an act providing for the appointment of business committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and making appropriations therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Senator De Armand (by request), Senate File No. 385, a bill for an act to provide for the release of the State of Iowa, of its right of escheat in the personal estate of Jack Wright (colored), deceased, of Scott County, Iowa, and providing to whom said personal estate shall be released.

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

By Senator Balkema, Senate File No. 386, a bill for an act defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate the same.

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 House was asked:

Senate File No. 282, a bill for an act to legalize the action and proceedings of the Board of Supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek drainage district No. 1, and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

C. R. BENEDICT,
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. 218, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, relating to free passes by common carriers.

C. R. BENEDICT,
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. 185, a bill for an act to amend Section 2588 of the Code, and Section 2593 of the Supplement to the Code, 1907, relating to the sale of denatured alcohol and poison fly paper.

C. R. BENEDICT,
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. 198, a bill for an act to amend Sections 2530 and 2536 of the Supplement to the Code, 1907, relating to state veterinary surgeon.

C. R. BENEDICT,
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. 21, a bill for an act to amend Section 2165-a and 2165-b of the Supplement to the Code, 1907, pertaining to the duty of express companies maintaining an office at or near the business center of cities and towns, and the duty of the railroad commissioners as to the same.

C. R. BENEDICT,
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. 427, a bill for an act to amend the law as it appears in Section 358 of the Code relating to qualification of sureties on certain official bonds.

C. R. BENEDICT,
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. 29, a bill for an act repealing Section five hundred ninety-one (591) of the Code relating to the compensation of township clerks and enacting a substitute therefor.

C. R. BENEDICT,
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. 320, a bill for an act to amend the law as it appears in Section 4999-a-25 of the Supplement to the Code, 1907, relating to penalty for violation of the pure food laws.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate substitute amendment to the following bill in which the concurrence of the House was asked :

House File No. 73, a bill for an act to repeal Section 1177 of the Code, relative to the commencement of term and qualification of public officers and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Wilson, Senate File No. 265, a bill for an act relating to the building of county bridges, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Wilson moved the adoption of the following amendment :

By striking out all after the figure "10" in Section 10 of said bill and inserting in lieu thereof the following :

Any person making an affidavit pursuant to the provisions of this act who shall make any false statements or allegations in said affidavit shall be guilty of perjury and punished accordingly.

Adopted.

Senator Wilson moved that the rules be suspended, 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 ayes were :

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Burgess, Clarkson, De Wolf, Parshall, Quigley, Ream, Sammis, Taylor—9.

Senator Cosson offered the following amendment and moved its adoption:

I move to amend the title of Senate File No. 265 by substituting the following:

A bill for an act relating to the building of county bridges, the preparation and publication of plans and specifications therefor, the appointment of inspectors, the giving notice of the time and manner of bidding, the letting of contracts, and providing punishment for violation of any of the provisions of this act.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

REPORT OF COMMITTEE.

Senator Gilliland, 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. 266, a bill for an act to amend the law as it appears in Section 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SENATE SUBSTITUTE FOR SENATE FILE NO. 266.

A Bill for an Act to Amend the Law as it Appears in Section Eight Hundred Fifty-c (850-c) of the Supplement to the Code, 1907, Relating to the Tax Levy for Park Purposes and Repealing Section Eight Hundred Fifty-two (852) of the Code as Amended by Chapter Forty-three (43) of the Acts of the Thirty-second General Assembly.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The law as it appears in Section eight hundred and fifty-c (850-c) of the Supplement to the Code, 1907, is hereby amended by striking out the word "two," where it appears at the beginning of the third line in said Section, and by inserting in lieu thereof the words "two and one-half (2½)."

The law as it appears in said Section is further amended by adding to the same the following: "In cities having a population of over twenty-five thousand, said board is authorized, in its discretion, to certify to the

county auditor for the years 1909, 1910 and 1911, and to cause to be collected an additional tax of one mill each year, to be used for the sole and only purpose of purchasing and paying for real estate."

SEC. 2. Section eight hundred and fifty-two (852) of the Code as amended by Chapter forty-three (43) of the Acts of the Thirty-second General Assembly is hereby repealed, and when so amended the bill do pass.

SHIRLEY GILLILLAND,

Chairman.

Substitute was read first and second time and passed on file.

On motion of Senator Saunders, Senate File No. 266, a bill for an act to amend the law as it appears in Section 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly, with report of Committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the substitute be substituted for the original bill.

Carried.

Senator Saunders moved that the rule by which no bill be read a second and third time on the same day, be suspended.

Carried.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Whiting—38.

The nays were:

None.

Senators Allen of Pocahontas, Clarkson, De Wolf, Hammill, Larrabee, Nichols, Ream, Parshall, Sammis, Van Law, Wilson—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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. 330, a bill for an act to repeal Section 915 of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to acknowledgment and recording plats.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 31, a bill for an act repealing Section 590 of the Code relative to the compensation of township trustees.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Seeley, House File No. 71, a bill for an act to repeal Section Twenty-three Hundred and Sixty-seven (2367) of the Code defining a lawful fence with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Seeley moved the adoption of the following amendments.

Amend by striking out the words and figures "twenty-six (26)" in the thirtieth line of Section 2 of the original substitute bill and inserting in lieu thereof the words and figures "not less than twenty-four (24)."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-fourth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend by striking out the words and figures "a twenty inch (20)" in the thirty-fifth line of said section and inserting in lieu thereof the words and figures "not less than eighteen (18) inch."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-eighth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend by striking out the words and figures "fifty-two (52)" in the thirty-ninth line of said Section and inserting in lieu thereof the words and figures "forty-eight (48)."

Amend the title by striking out the period after the word "fence" and adding the following words: "and to enact a substitute therefor."

Adopted.

The bill as amended was read for information.

Senator Seeley offered the following amendment and moved its adoption:

Amend by striking out the word and figure "Section 2."

Adopted.

Senator Seeley moved that the rules be suspended and 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 ayes were:

Senators Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, Cosson, Fitchpatrick, Foley, Francis, Gilliland, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—30.

The nays were:

Senators Adams, Bennett, Brown, Gates, Larrabee, Quigley, White—7.

Absent or not voting:

Senators Allen of Pocahontas, Clarkson, De Armand, De Wolf, Dowell, Frudden, Hammill, Nichols, Parshall, Ream, Sammis, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders; also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5, of Title III of the 1907 Supplement of the Code, with report of committee recommending amendments and passage, was taken up considered, and the report of the committee adopted.

Senator De Armand moved the adoption of the following amendments:

Amend the title of the bill by striking out the word "and" at the end of line 6 thereof. Also amend the title by striking out all that part after the word "the" in the next to the last line thereof, and inserting in lieu thereof the words "Supplement to the Code, 1907."

Amend Section I by striking out the following words: "Contributory dependency—definition."

Amend Section II by striking out the following words: "Jurisdictions, proceedings, and enforcement of decrees."

Amend Section III by striking out the following words: "Decree—probation bond."

Amend Section IV by striking out the following words: "Time for bond—enforcement."

Amend Section V by striking out the following words: "Proceeding of bond—disposition of sum recovered."

Amend Section VII by striking out the following word at the beginning of said section: "Employment."

Amend Section VIII by striking out the following words at the beginning of said section: "Habitual drunkenness."

Amend Section IX by striking out the following words: "No exemptions—order of court as execution."

Amend Section X by striking out the following words: "Criminal proceedings not prevented."

Amend Section XI by striking out the following words: "Disposition of child during probation of adult."

Amend Section XII by striking out the following word at the beginning of said section: "Abandonment."

Amend Section XIII by striking out the following words: "Disposal of abandoned children—adoption."

Amend Section XIV by striking out the following word at the beginning of said section: "Inheritance."

Amend Section XV by striking the following word at the beginning of said section: "General."

Amend Section XVI by striking out the following words at the beginning of said section: "Enticing away child punished."

Amend Section XVII by striking out the following words at the beginning of said section: "Liberally construed."

Amend the bill by striking therefrom all of Section XVIII.

Adopted.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Clarkson, De Wolf, Parshall, Ream, Sammis, Saunders, Smith of Mitchell, White—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced as Conference Committee on part of Senate on House File No. 208: Senators Bennett, Stuckslager, De Armand and Clarkson.

On motion of Senator Cosson, Senate File No. 8, a bill for an act authorizing the governor to remove officers for misfeasance, malfeasance or non-feasance in office, was taken up and considered.

Senator Cosson moved that the Senate concur in the following House amendments:

HOUSE AMENDMENTS.

Amend Section 2 by striking out the word "ten" in line two and inserting in lieu thereof the word "five."

Also:

Amend Section 2 by adding thereto the following: It shall be the duty of the county attorney to appear and prosecute this proceeding when the officer sought to be removed is one other than himself; and where the proceeding is brought to remove the county attorney, the court may appoint an attorney to appear in behalf of the state and prosecute such proceedings.

Also:

Amend Section two by adding thereto the following: It shall be the duty of the county attorney to appear and prosecute this proceeding when the officer sought to be removed is one other than himself; and when the proceeding is brought to remove the county attorney, the court may appoint an attorney to appear in behalf of the state and prosecute such proceeding.

Also:

Amend Section four by inserting after the word "complaint" in the first line thereof "or the defendant."

Also:

Amend Section four by inserting after the word "petition" in the third line the words, "or answer."

Also:

Amend Section seven by adding after the word "expense" in line twelve (original bill) the words: "including a reasonable attorney fee to be fixed by the court or judge."

On the question, Shall the Senate concur in the House amendments?

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting—30.

The nays were:

Senators De Armand, Frudden, Quigley, Smith of Des Moines, Taylor—5.

Absent or not voting:

Senators Allen of Pocahontas, Chapman, Clarkson, De Wolf, Foley, Gates, Moon, Parshall, Ream, Sammis, Saunders, Savage, White, Wilson—14.

So the amendments having received a constitutional majority were declared concurred in.

On motion of Senator Stuckslager, House File No. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn County, Iowa, and of the auditor, treasurer and Board of Supervisors of said Linn County, Iowa, relating to levy of park tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Stuckslager moved the adoption of the following amendments:

Amend by striking out all of Section Two and substituting the following:

Section 2. This act being deemed of immediate importance shall take effect and be in force, from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Cedar Rapids Daily Republican, a newspaper published in Cedar Rapids, Iowa, said publication to be without expense to the state.

Adopted.

Senator Stuckslager moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Brown, Bruce, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCul-

loch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bennett, Burgess, Clarkson, De Wolf, Foley, Parshall, Ream, Sammis, White, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Adams, Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a Board of Examiners in Optometry was taken up and considered.

Senator Adams moved that the Senate concur in the following House amendments:

HOUSE AMENDMENTS.

Strike out Section one (1) of the substitute and insert in lieu thereof the following as Section one (1):

SECTION 1. The practice of optometry is defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the aid thereof.

Also:

By striking out all after the word "appointed" in the sixth line of Section two and up to and including the word "year" in line seven, and inserting in lieu thereof the following:

"On or before July 1st, 1909, and each year thereafter and their terms of office shall be one year from July 1st of each year."

Also:

Amend Section three (3) of the substitute to Senate File No. 91, as it appears in Senate Journal, by striking out in the fourth line, between the words "year" and "and" the words "the second Tuesday in May" and inserting in lieu thereof the words, "the second Tuesday in July."

Also:

That Section three be amended by striking out the word "present" in the sixth line thereof.

Also :

That Section six be amended by striking out the word "July" in the first line and inserting in lieu thereof the word "October."

Also :

Amend by striking out the word and figure "three (3)" in line 15 of Section six and inserting in lieu thereof the word and figure "five (5)."

Also :

By striking out all of Section 9 and insert the following:

SEC. 9. Every person to whom a license is issued under this act shall file the same for record with the clerk of the district court in the county or counties in which he desires to practice optometry and the clerk of the district court shall be entitled to a fee of fifty cents (50c) for recording such license.

Also :

Amend Section eight (8) of the substitute to Senate File No. 91, as it appears in Senate Journal by striking out in the fourth (4) and fifth (5) lines, the following: "Should the applicant fail in his examination, one-half of said fee shall be returned to him," and by inserting the following in lieu thereof: "should the applicant fail in his first examination, he shall have the right to appear at the next meeting of the board for another examination free of charge."

Also :

Amend Section eleven (11) of the substitute to Senate File No. 91, as it appears in Senate Journal, by adding thereto after the period at the end of said Section, the following: Any person practicing optometry shall be prohibited from using the prefix "Doctor" to his name, unless he is a duly registered and licensed physician and surgeon and his rights to such being allowed by the State Board of Medical Examiners, nor shall he advertise himself in such a manner as to lead the public to believe him to be different than an optometrist as defined in this Section.

Also :

That Section thirteen be amended by striking out the words "January 1st" and inserting in lieu thereof the following: "June thirtieth."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Lar-

rabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, Whiting—33.

The nays were:

Senator Brown—1.

Absent or not voting:

Senators Bennett, Burgess, Chapman, Clark, Clarkson, De Wolf, Moon, Parshall, Ream, Sammis, Savage, Smith of Mitchell, Taylor, White, Wilson—15.

So the amendments having received a constitutional majority were declared concurred in.

On motion of Senator Saunders, Senate File No. 150, a bill for an act to amend the law as it appears in Section Five Hundred Eleven (511) of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners, was taken up and considered.

Senator Saunders moved that the Senate concur in the following House amendments:

Amend Senate File No. 150 by striking out the dollar marks and figures and marks of parentheses around same, to-wit: “(\$12 1-2) (24) (\$12 1-2)” as they appear in lines 5, 6 and 7.

On the question, Shall the Senate concur in the House amendments?

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Cosson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Burgess, Clark, Clarkson, De Armand, De Wolf, Parshall, Ream, Sammis, Smith of Des Moines, Smith of Mitchell, White—11.

So the House amendments having received a constitutional majority were declared concurred in.

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. 452, a bill for an act to amend Section 430 of the Code, relative to dependent soldiers and sailors tax.

C. R. BENEDICT,
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. 393, a bill for an act to amend Section four hundred four (404) of the Code, relating to the sale or exchange of bonds issued under the provisions of Section four hundred three (403) of the nineteen hundred seven (1907) Supplement of the Code.

C. R. BENEDICT,
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. 380, a bill for an act to establish a department of horticulture and forestry.

C. R. BENEDICT,
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. 321, a bill for an act to amend the law as it appears in Section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a-31) of the Supplement to the Code, nineteen hundred and seven (1907), relating to food standards.

C. R. BENEDICT,
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. 445, a bill for an act to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library fund to the judgment fund.

C. R. BENEDICT,
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. 291, a bill for an act to amend Section 4979 of the Code, relating to offenses against the public health.

C. R. BENEDICT,
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. 357, a bill for an act to amend the law as it appears in Section 3141 of the Code of 1897, relating to the granting of marriage license by the clerk of the district court.

C. R. BENEDICT,
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. 365, a bill for an act to legalize the deed of Osceola County, Iowa, to Edgar Baker, for government lots two, three and four in section 10, township 100, north of range 39, west of the fifth principal meridian.

C. R. BENEDICT,
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. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

C. R. BENEDICT,
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. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force,

false pretense, or intimidation for the purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

C. R. BENEDICT,
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. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder.

C. R. BENEDICT,
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. 153, a bill for an act granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 348, a bill for an act to repeal Section Sixty-nine (69) of the Code, and to enact a substitute therefor, providing for a report by the Board of Parole, also to amend Section Two Hundred and Ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section Four Hundred Seventy-five (475) of the Code, relating to the report of County auditors; also amending Section Five Thousand Six Hundred and Forty-one (5641) of the Code, relating to the duties of the sheriff, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Burgess, Chapman, Clarkson, De Wolf, Parshall, Ream, Sammis, Whiting—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Van Buren, House File No. 278, a bill for an act to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Allen of Van Buren, moved the adoption of the following amendments:

Amend Section 1 by striking out the word "persons" in the twelfth line thereof and insert in lieu thereof the words "person or persons," and add immediately thereafter the words "to be apprehended." Also amend the same Section by striking out the word "carried" in the eighteenth line thereof and insert in lieu thereof the word "brought." Also amend the same Section by striking out the word "Faca" in the twenty-second line thereof, and insert in lieu thereof the word "Facie."

Amend Section 2 by adding after the word "try" in the first line thereof the words "said cause." Also amend the same Section by striking out in line two the words "condemn and destroy" and insert in lieu thereof the words "then issue an order condemning and destroying." Also amend the same Section by striking out the word "such" in the third line thereof and insert in lieu thereof the word "the," and in the same line after the word "record" insert the words "of such proceedings."

Adopted.

The bill as amended was read for information.

Senator Savage moved that further consideration of the bill be postponed and that it be made a special order for this afternoon at 2:30 o'clock.

Carried.

HOUSE MESSAGES CONSIDERED.

House File No. 330, a bill for an act to repeal Section 915 of the Supplement to the Code, 1907, and to enact a substitute therefor relating to acknowledgment and recording of plats.

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

House File No. 31, a bill for an act repealing Section 590 of the Code relative to the compensation of township trustees.

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

Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs and Suburban Railway Company a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

Passed on file.

Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder.

Passed on file.

Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, or premises by force, false pretense or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

Passed on file.

House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

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

House File No. 365, a bill for an act to legalize the deeds of Osceola County, Iowa, to Edgar Baker, for government lots two, three and four, in Section Ten, in Township One Hundred, North of Range Thirty-nine, west of the 5th principal meridian.

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

House File No. 357, a bill for an act to amend the law as it appears in Section Three Thousand One Hundred and Forty-one (3141) of the Code, 1897, relating to granting of marriage license by the Clerk of the District Court.

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

House File No. 291, a bill for an act to amend Section 4979 of the Code, relating to offenses against the public health.

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

House File No. 445, a bill for an act to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library bond fund to the judgment fund.

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

House File No. 321, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-thirty-one (4999-a-31) of the Supplement to the Code, 1907, relating to food standards.

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

House File No. 380, a bill for an act to establish a Department of Horticulture and Forestry.

Read first and second time.

Senator Gilliland moved that House File No. 380 be substituted for Senate File No. 308 and that it be placed on the Calendar.

Carried.

House File No. 393, a bill for an act to amend Section Four Hundred and Four (404) of the Code, relating to the sale or exchange of bonds issued under the provisions of Section Four Hundred Three (403) of the 1907 Supplement to the Code.

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

House File No. 452, a bill for an act to amend Section Four Hundred Thirty (430) of the Code, relative to dependent soldiers' and sailors' tax.

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

Senate File No. 282, a bill for an act to legalize the action and proceedings of the Board of Supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek Drainage District No. 1, and the widening, deepening and improving of said Pony Creek and in the levy of an assessment therefor.

Passed on file.

Senate File No. 164, a bill for an act to amend the law as it appears in Section Seventeen Hundred Fifty-eight-a (1758-a) and Section Seventeen Hundred and Nine (1709) of the Supplement to the Code, 1907, giving insurance companies the right to issue policies upon automobiles and marine risks and further adding to the lists of properties and rights that may be insured; repealing the law as it appears in Section Seventeen Hundred and Ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Passed on file.

Senate File No. 218, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, relating to free passes by commerce carriers.

Passed on file.

House File No. 185, a bill for an act to amend Section 2588 of the Code, and Section 2593 of the Supplement to the Code, 1907, relating to the sale of denatured alcohol and poison fly paper.

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

House File No. 198, a bill for an act to amend Sections Two Thousand Five Hundred Thirty (2530) and Two Thousand Five Hundred Thirty-six (2536) of the Supplement to the Code, relating to the State Veterinary Surgeon.

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

House File No. 21, a bill for an act to amend Section Twenty-one Hundred Sixty-five-a (2165-a) and Twenty-one Hundred Sixty-five-b (2165-b) of the Code Supplement, pertaining to the duty of express companies maintaining an office at or near the business center of cities and towns, and the duty of the railroad commissioners as to the same.

Read first and second time and referred to Committee on Telegraph and Telephones.

House File No. 427, a bill for an act to amend the law as it appears in Section Three Hundred Fifty-eight (358) of the Code relating to qualification of sureties on certain official bonds.

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

House File No. 29, a bill for an act repealing Section Five Hundred and Ninety-one (591) of the Code relating to the compensation of township clerks and enacting a substitute therefor.

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

House File No. 320, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-Nine-a Twenty-five (4999-a-25) of the Supplement to the Code, Nineteen Hundred and Seven (1907) relating to penalty for violation of the pure food laws.

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

House File No. 73, a bill for an act to repeal Section 1177 of the Code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor.

Passed on file.

Senator Francis filed the following motion:

I move to reconsider the vote by which House File 71 passed the Senate and also the vote by which the same passed to its third reading.

L. E. FRANCIS.

Senator Stuckslager moved that the Senate do now adjourn until two o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 2:00 o'clock, P. M., President Clark presiding.

REPORTS OF COMMITTEES.

Senator Proudfoot, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Educational Institutions, to whom was referred House File No. 138, a bill for an act to provide for feeble-minded men at Glenwood and the Maintenance thereof. (Amendatory of Chapter seven (7), Title thirteen (XIII), of the Code, relating to the institution of feeble-minded children), beg leave to report they have had the same under consideration and recommend the same do pass.

A. V. PROUDFOOT,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Educational Institutions, to whom was referred Senate File No. 107, a bill for an act dividing the state into districts, establishing agricultural and manual training schools therein, providing for the management, control and operation thereof, creating a board of trustees therefor, establishing courses of study therein, and making provision for the support thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

A. V. PROUDFOOT,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 207, a bill for an act to repeal the law as it appears in Section sixteen hundred ninety-nine (1699) of the Code relating to the investment of funds of insurance companies other than life, organized under Chapter four (4) of the Code and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 207.

A Bill for an Act to Repeal Section Sixteen Hundred Ninety-nine (1699) of the Code, Relating to the Investment of Funds of Insurance Companies Other Than Life, Organized Under Chapter Four (4) of the Code and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Section sixteen hundred ninety-nine (1699) of the Code is hereby repealed and the following enacted in lieu thereof: Any company organized under this chapter may invest its capital and funds in the following described securities and no other:

1. The bonds of the United States.
2. The bonds of this state or any other state when such bonds are at or above par.
3. Bonds or other evidences of indebtedness of any county, city, town or school district within the state or any other state, drainage district bonds of this state, improvement certificates issued by any municipal corporation of this state, such certificates being a first lien upon real estate within the corporate limits of the municipality issuing the same, where such bonds or other evidences of indebtedness are issued by authority of and according to law and bearing interest, and are approved by the executive council.
4. Bonds and mortgages and other interest bearing securities being first liens upon real estate within this state or any other state worth at least double the amount loaned thereon and secured thereby exclusive of improvements, or two and one-half times such amount including the improvements thereon, if such improvements are constructed of brick or stone; but no such improvements shall be considered in estimating the value unless the owner shall contract to keep the same insured in some reliable fire insurance company or companies authorized to do business in the state during the life of the loan, in a sum at least double the excess of the loan above one-half the value of the ground exclusive of the improvements, the insurance to be made payable in case of loss to the company or association investing its funds, as its interests may appear at the time of loss; provided that before a company or association may invest any of its funds in such securities as are specified in this subdivision of this section in any state other than the state of Iowa, it shall first obtain consent of the executive council so to do; except that the surplus funds

may be loaned upon the pledge of the stock or bonds or other evidences of indebtedness of any solvent dividend paying corporation organized under the laws of the state, or of the United States, worth at their current market value ten per cent more than the amount at which they are estimated in determining the assets of the company, but such investment shall not be made in the company's own stock, and when so amended the bill do pass.

W. P. WHIPPLE,
Chairman.

Substitute was read first and second time and passed on file.

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

MR. PRESIDENT—Your committee on Military, to whom was referred Senate File No. 364, a bill for an act to amend House File No. 60, as passed by the Thirty-third General Assembly February 19, 1909, and approved February 24, 1909, relating to the burial of indigent soldiers and sailors and their wives and widows, beg leave to report they have had the same under consideration and recommend the same to be indefinitely postponed.

J. D. BROWN,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Stuckslager, 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. 322, a bill for an act to amend Section 1850 of the Code relating to the investment of funds of savings banks, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By Committee on Schools, Senate File No. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

Read first and second time and placed on Calendar.

THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 320, a bill for an act to amend Section 5008 of the Code, relating to the infringement of civil rights, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved the adoption of the following amendment:

Amend the title by inserting before the figures "5008" appearing in the first line thereof, the words "five thousand and eight."

Adopted.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Clark, Clarkson, Cosson, Dowell, Gilliland, Hammill, Hunter, Larrabee, Ream, Saunders, Van Law, Whipple, Whiting—19.

The nays were:

Senators Burgess, Fitchpatrick, Foley, Francis, Gates, Moon, Nichols, Quigley, White—9.

Absent or not voting:

Senators Adams, Bruce, Chapman, De Armand, De Wolf, Frudden, Hoyt, McCulloch, McManus, Mattes, Maytag, Parshall, Peterson, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Wilson—21.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator De Armand, Senate File No. 260, a bill for an act to repeal Section Four Thousand Seven Hundred and Seventy-five (4775) of the Code, relating to the carrying of concealed weapons, providing a penalty therefor and enacting a substitute therefor with report of committee recommending amend-

ments and passage was taken up, considered, and the report of the committee adopted.

Senator De Armand moved the adoption of the following amendments:

Amend by striking therefrom the title, and substituting in lieu thereof the following as the title:

“A bill for an act to repeal Section Four Thousand Seven Hundred and Seventy-five (4775) of the Code and to enact a substitute therefor, in relation to the carrying of concealed weapons and fixing a penalty therefor.”

Amend the bill by striking out the word and figure “Sec. 2” at the beginning of the fourth line of said bill.

Amend the bill by renumbering “Sec. 3” to read “Sec. 2,” and by renumbering “Sec. 4” to read “Sec. 3.”

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend as follows: That the words in line 2, Section 3, “upon his own premises” be stricken out and the following words substituted therefor: “when there is reasonable ground to apprehend danger to his life, property or person or members of his family.”

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, Cosson, Fitchpatrick, Francis, Hoyt, Hunter, McCulloch, Moon, Nichols, Quigley, Stuckslager, Taylor, Van Law, Wilson—20.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bruce, Clark, De Armand, Dowell, Foley, Frudden, Gilliland, Hammill, Larabee, McManus, Mattes, Maytag, Peterson, Proudfoot, Ream, Saunders, Seeley, Smith of Mitchell, Whipple, Whiting—23.

Absent or not voting:

Senators De Wolf, Gates, Parshall, Sammis, Savage, White—6.

So the amendment was lost.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Bruce, Clark, Cosson, De Armand, Dowell, Gilliland, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Smith of Mitchell, Stuckslager, Taylor, Whipple, Whiting—19.

The nays were:

Senators Allen of Van Buren, Balkema, Burgess, Chapman, Clarkson, Fitchpatrick, Foley, Hammill, Hoyt, McCulloch, Moon, Quigley, Saunders, Van Law—14.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Bennett, Brown, De Wolf, Francis, Frudden, Gates, Parshall, Ream, Sammis, Savage, Seeley, Smith of Des Moines, White, Wilson—16.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Smith of Mitchell asked unanimous consent that Senate File No. 312 be made a Special Order for March 23, to follow Special Order No. 4.

Consent granted.

On motion of Senator Allen of Van Buren, House File No. 278, a bill for an act to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers, was taken up and considered.

Senator Allen of Van Buren offered the following amendment to the title and moved its adoption:

Substitute a comma for the period at the end of the title and then add the following: "the apprehension of the occupant of the place or building in or upon which the same are sold or kept and

providing for the levy of a tax against said place or building.”

Adopted.

The bill as amended was read for information.

Senator Allen of Van Buren moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, “Shall the bill pass?”

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Adams, Burgess, De Wolf, McCulloch, McManus, Parshall, Ream, Sammis, Savage, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Saunders, House File No. 223, a bill for an act to amend Section 1, Chapter 122, of the laws of the Twenty-ninth General Assembly, relating to the support of the Iowa School for the Deaf at Council Bluffs, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved the adoption of the following amendments:

That the title be amended by striking out the words and figures, “Section One (1), Chapter One Hundred and Twenty-two (122), of the laws of the Twenty-ninth General Assembly,” and by inserting in lieu thereof, words and figures following: “The law as

it appears in Section Twenty-seven Hundred and Twenty-seven-a (2727-a) of the Supplement to the Code, 1907."

And that Section One (1) of the bill be amended by striking out of lines One and Two (1 and 2) thereof, words and figures following: "that Section One (1), Chapter One Hundred and Twenty-two (122) of the laws of the Twenty-ninth General Assembly" and inserting in lieu thereof: "That the law as it appears in Section Twenty-seven Hundred and Twenty-seven-a (2727-a) of the Supplement to the Code, 1907."

Adopted.

Senator Saunders moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Bruce, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Burgess, Clarkson, De Wolf, Parshall, White, Wilson—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Van Law, House File No. 102, a bill for an act to repeal Section Fifteen Hundred Seventy-one (1571) of the Code, and to enact a substitute in lieu thereof, relating to traction engines on public roads, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Gilliland moved that the further consideration of the bill be postponed.

Carried.

Senator Gilliland moved that the Senate correct the Journal and adjourn.

Carried.

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

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 23, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Jesse Cole of Marshalltown, Iowa.

On request of Senator Larrabee, leave of absence was granted Senator White for the day.

On request of Senator De Armand, leave of absence was granted Senator McManus for the day.

PETITIONS AND MEMORIALS.

Senator Smith of Mitchell presented petition from residents of Winnebago County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented remonstrance from residents of Palo Alto County, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Hammill presented petition from residents of Franklin County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Ream presented petition from residents of Mahaska County, favoring an appropriation for Extension Department of the Iowa State College at Ames.

Referred to Committee on Appropriations.

Senator Stuckslager presented petition from residents of Linn County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Van Buren presented remonstrance from druggists of Fairfield, Iowa, against the passage of Senate Files Nos. 16, 59 and 302, relating to the sale of intoxicating liquors and narcotics.

Referred to Committee on Pharmacy.

Senator Savage presented petition from residents of Madison County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from residents of Story County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from residents of Keokuk County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Larrabee presented petition from residents of Calhoun County, favoring the passage of Senate File No. 88.

Referred to Committee on Agriculture.

Senator McCulloch presented petition from residents of Lucas County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator Frudden, Senate File No. 388, a bill for an act to provide for a method of nominating candidates for certain offices in cities of the first and second class, and those acting under special charters, and repealing Section Ten Hundred Eighty-seven-a-thirty-four (1087-a-34) of the Supplement to the Code of 1907.

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

By Senator Ream, Senate File No. 389, a bill for an act to provide the method of constructing and operating gypsum mines and to provide for the inspection of same by the State Mine Inspectors, additional to Chapter Nine (9) of Title Twelve (12) of the Code.

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

REPORTS OF COMMITTEES.

Senator Smith of Mitchell, 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. 382, a bill for an act to amend Section thirteen hundred three (1303) of the Supplement to the Code, 1907, relative to the amount of taxes to be levied for making and repairing bridges, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 362, a bill for an act to repeal Section 1415 of the Code relating to the apportionment of taxes by county treasurers and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking from line 3 of Section 1 the words and figures "Sec. 1415. Apportionment," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Senator Seeley, 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. 323, a bill for an act to amend the law as it appears in Section 1407 of the Code of Iowa changing the percentage to be allowed collectors appointed by the county treasurer for their services and expenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 381, a bill for an act to amend the law as it appears in Section 490 of the Supplement to the Code, 1907, by adding to said Section a subdivision numbered "C" providing additional pay to the county treasurers in counties having levee and drainage districts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred Senate File No. 357, a bill for an act relating to the compensation of the superintendent of public instruction, beg leave to report they have had the same under consideration and recommend the title of the same be amended as follows: By striking out the title as it appears in the bill and inserting the following in lieu thereof:

For an act to amend the law as it appears in Section twenty-six hundred and twenty-seven (2627) of the Supplement to the Code, 1907, relating to the compensation of the superintendent of public instruction," and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Ordered passed on file.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 445, a bill for an act to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys

from the library bond fund to the judgment fund, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 379, a bill for an act to amend the law as it appears in Section five thousand seven hundred eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 365, a bill for an act to legalize deed of Osceola County, Iowa, to Edgar Baker for government lots two, three and four, in section ten, in township one hundred, north of range thirty-nine, west of the fifth principal meridian, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 393, a bill for an act to amend Section four hundred four (404) of the Code relating to the sale or exchange of bonds issued under the provisions of Section four hundred three (403) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by striking out all after the word "bonds" in the third line, and by inserting in lieu thereof the words "and refunding of the same," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 357, a bill for an act to repeal the law as it appears in Section three thousand one hundred forty-one (3141) of the Code and to enact a substitute therefor relating to granting of marriage license by clerk of the district court, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 357.

A Bill for an Act to Amend Section Thirty-one Hundred Forty-one (3141) of the Code Relating to the Granting of Marriage License by the Clerk of the District Court.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section thirty-one hundred forty-one (3141) of the Code be and the same is hereby amended by striking out the period at the end of said section and inserting in lieu thereof a comma, and adding the following: "nor where the parties are first cousins," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding after the word "place" in the second line thereof, the word "used," and when so amended the bill do pass.

C. C. DOWELL,
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 the law as it appears in

Section five thousand two hundred eighty-nine (5289) of the Code, by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments be waived if not made before swearing the jury on the trial of the case, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Stuckslager, 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. 62, a bill for an act to regulate trust companies, to authorize such companies and state and savings banks to act in a fiduciary capacity, and to amend Section sixteen hundred eleven (1611) of the Code relating to corporations, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Gilliland, 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. 368, a bill for an act to repeal Section 648, Title V, Chapter 2 of the Code of 1897, as amended by the acts of the Thirty-second General Assembly and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Van Law, House File No. 102, a bill for an act to repeal Section Fifteen Hundred Seventy-one (1571) of the Code, and to enact a substitute in lieu thereof, relating to traction engines on public roads, was taken up and considered.

Senator Van Law moved that the rules be suspended, and the reading had be considered the third reading which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Chapman, Clark, Cosson, De Wolf, Dowell, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Balkema, Burgess, Clarkson, De Armand, Fitchpatrick, Gates, McCulloch, McManus, Sammis, Smith of Des Moines, White—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Wilson, House File No. 174, a bill for an act to provide for the payment of bounties for killing ground hogs, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wilson moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—37.

The nays were:

Senators Fitchpatrick, Savage—2.

Absent or not voting:

Senators Clark, Francis, Hammill, McManus, Maytag, Sammis, Smith of Des Moines, Stuckslager, Whipple, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 191, a bill for an act appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams, on account of work done for the state, for which he has not been paid, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, McManus, Proudfoot, Stuckslager, Whipple, White—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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. 111, a bill for an act to provide for a change of place of trial on certain written contracts and to provide for the taxation of costs therein.

C. R. BENEDICT,
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. 30, a bill for an act repealing Section 592 of the Code, relating to the compensation of township assessors and enacting a substitute therefor.

C. R. BENEDICT,
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. 433, a bill for an act to amend Section 2028 as it appears in the Supplement to the Code, 1907, relating to lands which have no other means of access.

C. R. BENEDICT,
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. 341, a bill for an act to amend Section 1076 of the Supplement to the Code, 1907, defining what shall constitute a calendar day.

C. R. BENEDICT,
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. 3, a bill for an act to amend the law as it appears in Section 1457 of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the subject of loaning or depositing of public funds.

C. R. BENEDICT,
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. 317, a bill for an act to repeal Sections 1570-b and 1570-c of the Supplement to the Code, 1907, and to enact a substitute

therefor, relating to the working of highways and providing penalties for injury to such highways or the work thereon.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mount Pleasant State Hospital, Mount Pleasant, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Maytag moved the adoption of the following amendment recommended by the Committee on Claims:

That the words and figures in Section 1 be changed from Three Hundred Dollars (\$300) to One Hundred Fifty Dollars (\$150).

The amendment was lost.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Quigley, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators De Armand, Gates, Gilliland, McManus, Parshall, Proudfoot, Ream, Saunders, Savage, Stuckslager, White—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The time having arrived for Special Order No. 1, on motion of Senator Seeley, Senate File No. 158, a bill for an act amending Section Thirteen Hundred and Ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another state or territory, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Seeley moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren Bal-kema, Brown, Bruce, Burgess, Chapman, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

Cosson—1.

Absent or not voting:

Senators Bennett, Clarkson, Dowell, McManus, Nichols, Parshall, Saunders, White—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The time having arrived for Special Order No. 4, on motion of Senator Francis, Senate File No. 13, a bill for an act to amend

Section Twenty-five Hundred and Fifty-one (2551) of the Supplement of 1907 to the Code relating to the protection of birds and game, with report of committee recommending indefinite postponement was taken up and considered.

Senator Saunders moved that the bill be referred to the committee on Judiciary.

Motion was lost.

Senator Francis moved that the report of the committee be adopted.

On the adoption of the report of the committee a roll call was demanded.

Those favoring the adoption of the report of the committee were:

Senators Fitchpatrick, Francis, Hoyt, Ream, Sammis, Savage—6.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, Dowell, Foley, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting, Wilson—34.

Absent or not voting:

Senators Clarkson, De Armand, De Wolf, Frudden, McManus, Parshall, Smith of Des Moines, Whipple, White—9.

So the motion was lost.

Senator Allen of Van Buren offered the following amendments and moved their adoption.

I move to amend the title of the bill as follows:

Strike out the word and figures "of 1907" after the word "Supplement"; and after the word "Code" add the figures "1907."

Also amend Section 1 by striking out the words "quail protected" in line 1; also amend by striking out the word and figures, "of 1907," in line 2 and also amend by adding after the word "Code" in line 2, the figures "1907:" all in said section of the printed bill.

Adopted.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the word "quail" in the fifth line of the printed bill the words "or prairie chicken."

Adopted.

Senator Allen of Van Buren moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clark-son, Cosson, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Seeley Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whiting, Wilson—35.

The nays were:

Senators Francis, Hoyt, Ream, Savage—4.

Absent or not voting:

Senators De Armand, De Wolf, Frudden, Hunter, McCulloch, McManus, Parshall, Taylor, Whipple, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen of Van Buren moved to reconsider the vote by which Senate File No. 13 passed the Senate.

Senator Allen of Van Buren moved that the motion to reconsider the vote by which Senate File No. 13 passed the Senate, be laid on the table.

Senator Dowell raised the point of order that a motion to lay on the table is not debatable and that the remarks of Senator Adams are not in order.

The Chair ruled the point of order well taken.

The motion to lay on the table prevailed.

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. 473, a bill for an act to confer additional powers on certain cities organized under Chapter forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter two hundred ten (210) of the acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

C. R. BENEDICT,
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. 265, a bill for an act to amend Section 1530 of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city.

C. R. BENEDICT,
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. 219, a bill for an act to amend the law as it appears in Sections 2692-a and 2692-c of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor.

C. R. BENEDICT,
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. 334, a bill for an act to amend the law as it appears in Section 3305 of the Supplement to the Code, 1907, relative to the time of granting administrations.

C. R. BENEDICT,
Chief Clerk.

Also :

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

House File No. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn County, Iowa, and of the auditor, treasurer and board of supervisors of said Linn County, Iowa, relating to levy of park tax.

C. R. BENEDICT,
Chief Clerk.

Also :

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

House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for the inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization powers and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred Twenty-two (2122) of the Code, and to enact a substitute therefore, relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) Title Ten (10) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal sections One Thousand Sixty-eight (1068) and Two Thousand One Hundred Twenty-one (2121) of the Code as amended, with report of committee recommending passage was taken up and considered.

Senator Sammis moved that further consideration of the bill be postponed and that it be made a special order for Thursday at 1:30 o'clock P. M.

The motion was withdrawn.

Senator Dowell moved that Senate File No. 312 be re-referred to the Committee on Railroads, and that Senate File No. 366 be withdrawn from the Committee on Cities and Towns and be referred to the Committee on Railroads and that the Committee on Railroads be instructed to report to the Senate by Thursday at 1:30 o'clock, P. M., and that the bills be made a Special Order for that time.

Senator Gilliland moved as an amendment to the motion of Senator Dowell that Senate File No. 325 reported for passage be also referred to the Committee on Railroads under like instructions.

Senator Van Law raised the point of order that the amendment was not germane and not in order.

The President ruled the point of order not well taken.

The amendment prevailed.

The motion as amended prevailed.

HOUSE MESSAGES CONSIDERED.

House File No. 111, a bill for an act to provide for a change of place of trial on certain written contracts and to provide for taxing the costs therein.

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

House File No. 30, a bill for an act repealing Section Five Hundred Ninety-two (592) of the Code, relating to the compensation of township assessors and enacting a substitute therefor.

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

House File No. 433, a bill for an act to amend Section Two Thousand Twenty-eight (2028) as it appears in the Supplement to the Code, 1907, relating to lands which have no other means of access.

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

House File No. 341, a bill for an act to amend Section Ten Hundred and Seventy-six (1076) of the Supplement to the Code, 1907, defining what shall constitute a calendar day.

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

Senate File No. 3, a bill for an act to amend the law as it appears in Section 1457 of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the subject of loaning or depositing of public funds.

Read first and second time and passed on file.

Senate File No. 317, a bill for an act to repeal Section 1570-b and 1570-c of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the working of highways and providing penalties for injury to such highways or the work thereon.

Read first and second time and passed on file.

House File No. 265, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as it is collected from property within the incorporated limits of any city.

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

Senate File No. 219, a bill for an act to amend the law as it appears in Section Twenty-six Hundred Ninety-two-a (2692-a) and Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, relating to state agents and making appropriations therefor.

Passed on file.

Senate File No. 334, a bill for an act to amend the law as it appears in Section Thirty-three Hundred and Five (3305) Supplement of the Code, 1907, relative to the time of granting administrations.

Passed on file.

House File No. 317, a bill for an act to repeal Sections 1570-b and 1570-c of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the working of highways and providing penalties for injury to such highways or the work done thereon.

Passed on file.

House File No. 191, a bill for an act entitled an act relating to hotels, inns, and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for the inspection thereof, fees for the same and fixing fines and penalties for violation of such rules and regulations.

Passed on file.

House File No. 473, a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

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

REPORT OF COMMITTEE.

Senator Gilliland, 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. 376, a bill for an act to confer additional powers on certain cities organized under Chapter 48 of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter 210 of the acts of the Twenty-ninth General Assembly of Iowa, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by inserting in the third line thereof after the word "Iowa," the words "as the same appears in Chapter 14-c of Title V of the Supplement to the Code, 1907." Also amend title by inserting after the word "Iowa" at the end of the sixth line thereof, the words "as the same appears in Chapter 9-a of Title V of the Supplement to the Code, 1907." Also amend Section 1 of the bill by inserting in the fifth line thereof after the word "Iowa," the words "as the same appears in Chapter 14-c of Title V of the Supplement to the Code, 1907." Also amend Section 1 of the bill by inserting after the word "Iowa" at the end of the seventh line thereof the words, "as the same appears in Chapter 9-a, Title V of the Supplement to the Code, 1907," and when so amended the bill do pass.

SHIRLEY GILLILLAND,

Chairman

Ordered passed on file.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Saunders presented petition from residents of Crawford County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Bruce presented petition from residents of Shelby and Cass Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Ida County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Bruce presented remonstrance from residents of Cass and Shelby Counties, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Balkema presented petition from residents of O'Brien County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from locomotive engineers and residents of Plymouth County, favoring the passage of Senate File No. 363, requiring the placing on locomotives, of headlights of a certain power.

Referred to Committee on Railroads.

Senator Clarkson presented petition from residents of Wapello and Monroe Counties, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Parshall presented petition from residents of Jackson County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 2, a bill for an act to repeal Sections ten hundred fifty-six-a-seventeen (1056-a-17), ten hundred fifty-six-a-eighteen (1056-a-18), ten hundred and fifty-six-a-twenty-one (1056-a-21) and ten hundred fifty-six-a-twenty-six (1056-a-26) of Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, and to enact substitutes therefor, and to amend Sections ten hundred fifty-six-a-nineteen (1056-a-19), ten hundred fifty-six-a-twenty (1056-a-20), ten hundred fifty-six-a-twenty-four (1056-a-24), ten hundred fifty-six-a-twenty-five (1056-a-25), ten hundred fifty-six-a-twenty-eight (1056-a-28), ten hundred fifty-six-a-thirty-two (1056-a-32), and ten hundred fifty-six-a-thirty-nine (1056-a-39) of Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, all relating to the government of certain cities.

Also:

House File No. 37, a bill for an act to repeal Section twenty-four hundred and forty-five (2445) of the Code and to enact a substitute therefor, relating to the disposition to be made by the board of supervisors of the mulct tax.

Also:

House File No. 191, a bill for an act to amend the law as it appears in Section twenty-four hundred seventy-seven-d (2477-d), Supplement to the Code, 1907, relating to authority of officers to demand proof of age of children employed, and defining what said proof shall be.

Also:

House File No. 274, a bill for an act to amend the law as it appears in Section four thousand seven hundred seventy-one (4771) of the Code relating to punishment for the crime of assault with intent to inflict great bodily injury.

Also:

House File No. 337, a bill for an act amending the law as it appears in Section twenty-four hundred eighty-nine-a (2489-a), Supplement to the Code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORTS OF COMMITTEE.

Senator Larrabee, from the Committee on Printing, submitted the following report:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 374, a bill for an act to amend Section 125 of the Supple-

ment to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, and when so amended the bill do pass.

FREDERIC LARRABEE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 375, a bill for an act to amend Section 1056 of the Supplement to the Code, 1907, relating to the publication of the state auditor's report of municipal accounts, beg leave to report they have had the same under consideration and recommend the same do pass.

FREDERIC LARRABEE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 116, a bill for an act authorizing the Secretary of State to publish lists of motor vehicles and fixing prices at which such lists shall be sold, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

FREDERIC LARRABEE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Ream, Senate File No. 337, a bill for an act to amend Section Six Hundred Thirty-eight (638) of the Code, relative to villages, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ream offered the following amendment and moved its adoption:

I move to amend the bill by striking out Section One thereof and substituting the following therefor:

Section 1. That Section Six Hundred Thirty-eight (638) of the Code, be and the same is hereby amended by inserting in the

third line of said section after the word "sites" the words, "and additions thereto."

Adopted.

The bill as amended was read for information.

Senator Ream moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Wilson—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gilliland, McManus, Maytag, Nichols, Parshall, Proudfoot, Sammis, Savage, White, Whiting—20.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend the title of the bill by adding therto the following:

"And providing for the extension of the limits thereof."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Larrabee moved that the House be requested to return to the Senate, House File No. 2.

Carried.

On motion of Senator Francis, House File No. 355, a bill for an act to repeal the law as it appears in Chapter Forty-one (41) of the laws of the Thirty-second General Assembly and to enact a substitute therefor relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor, with report of committee recommending amendments and passage, was taken up considered, and the report of the committee adopted.

Senator Francis moved the adoption of the following amendment:

Strike out the words "Section 2" in the fifth line. Amend by inserting after the word "of" and before the word "paragraph" in the tenth line the words, "the law as it appears in." Amend by striking out the semi-colon after 1907 in the twelfth line and insert a period in lieu thereof. Amend by striking out the small "t" after 1907 in the twelfth line and insert a capital "T" in lieu thereof to the word "the."

Adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Cosson, De Armand, Gilliland, Larrabee, McManus, Parshall, Saunders, Stuckslager, White—10.

Senator Francis offered the following amendment and moved its adoption.

I move to amend the title by striking out the last three words thereof and substituting therefor the following: "authorize anticipating collection of such tax by issuing certificates or bonds."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Quigley, Hosue File No. 36, a bill for an act to amend Chapter Six (6) Title Five (5) of the Code, relating to sprinkling of streets and providing for the assessment of the cost thereof on the property benefited thereby, was taken up and considered.

The bill was read for information.

Senator Peterson offered the following amendment and moved its adoption.

I move to amend by inserting after the word "property" in the fourth line of Section one of the bill a comma and the words "real and personal."

Adopted.

The bill as amended was read for information.

Senator Quigley moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Chapman, De Wolf, Fitchpatrick, Francis, Gilliland, Larrabee, Moon, Peterson, Quigley, Sammis—11.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clark, Cosson, De Armand, Dowell, Foley, Frudden, Gates, Hammill, Hoyt, Hunter, McCulloch, Mattes, May-

tag, Nichols, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—30.

Absent or not voting:

Senators Burgess, Clarkson, McManus, Parshall, Saunders, Stuckslager, Whipple, White—8.

So the bill having failed to received a constitutional majority was declared lost.

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 herewith returns as requested by the Senate, House File No. 2, a bill for an act relative to the government of certain cities.

C. R. BENEDICT,
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. 252, a bill for an act to amend the law as it appears in Section 1137-a-7 of the Supplement to the Code, 1907, relating to elections and voting machines.

C. R. BENEDICT,
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. 201, a bill for an act to repeal Section 1091 of the Code relative to polling places for country precincts and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 98, a bill for an act authorizing the Governor of the State of Iowa to issue patent attested by the Secretary of State to certain land to and in favor

of O. J. Felton, being the property situated in Linn County, Iowa, described as follows, to-wit: The southwest quarter (S. W. $\frac{1}{4}$) of the northwest quarter (N. W. $\frac{1}{4}$) and the southeast quarter (S. E. $\frac{1}{4}$) of the southwest quarter (S. W. $\frac{1}{4}$) of Section sixteen (16), township eighty-five (85) north, range five (5) west of the fifth principal meridian.

Also:

Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the city of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills submitted the followin greport:

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 98, a bill for an act authorizing the Governor of the State of Iowa to issue patent attested by the Secretary of State to certain land to and in favor of O. J. Felton, being the property situated in Linn County, Iowa, described as follows, to-wit: The southwest quarter (S. W. $\frac{1}{4}$) of the northwest quarter (N. W. $\frac{1}{4}$) and the southeast quarter (S. E. $\frac{1}{4}$) of the southwest quarter (S. W. $\frac{1}{4}$) of Section sixteen (16), township eighty-five (85) north, range five (5) west of the fifth principal meridian.

Also:

Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the city of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges

and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 167, a bill for an act making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the State Sanatorium for the treatment of tuberculosis.

Also:

Senate File No. 218, a bill for an act to amend the law as it appears in Section twenty-one hundred fifty-seven-g (2157-g) of the Supplement to the Code, 1907, relating to free passes by common carriers.

Also:

Senate File No. 282, a bill for an act to legalize the action and proceedings of the board of supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek drainage district No. 1, and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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 making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the State Sanatorium for the treatment of tuberculosis.

Also:

Senate File No. 218, a bill for an act to amend the law as it appears in Section twenty-one hundred fifty-seven-g (2157-g) of the Supplement to the Code, 1907, relating to free passes by common carriers.

Also:

Senate File No. 282, a bill for an act to legalize the action and proceedings of the board of supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek drainage district No. 1, and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Senator Moon moved that the President appoint a member of the Senate to act on the committee on railroads to fill the vacancy caused by the resignation of Senator Jamieson.

Carried.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 282, 218, 167, 170 and 98.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 184, a bill for an act repealing Sections Sixteen Hundred and Ten (1610), Sixteen Hundred and Twelve (1612), Sixteen Hundred and Eighteen (1618) and Sixteen Hundred and Forty-one-d (1641-d) of the Supplement to the Code, 1907; also, Sections Sixteen Hundred and Fifteen (1615), and Sixteen Hundred and Thirty-seven (1637) of the Code, and enacting substitutes therefor; also repealing Section Sixteen Hundred and Eighteen-b (1618-b) of the Supplement to the Code, 1907; all in relation to corporations for pecuniary profit, with report of Committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Mitchell moved the adoption of the following amendments:

By striking out the final "s" of the word "sections" in line 4 of the title; also by striking out the words "and sixteen hundred and thirty-seven" and the figures "1637" in line 5 of the

title. By striking out Section 6 of the bill, and by renumbering Section 7 to make it read "Section 6" and by renumbering Section 8 to make it read "Section 7."

Adopted.

Senator Smith of Mitchell offered the following amendment and moved its adoption:

I move to amend the printed bill by striking out Section 2 and inserting the following in lieu thereof:

Sec. 2. That Section Sixteen Hundred Twelve (1612) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out that part of the first four lines of said section which reads as follows: "If the corporation transacts business in the state, the articles shall fix its principal place of business, which must be in this state, and in charge of an agent of the corporation, at which place it shall keep its stock and transfer books and hold its meeting," and inserting in lieu thereof the following: "Any corporation organized under the laws of this state shall fix upon and designate in its articles of incorporation its principal place of business which must be in this state, and if outside the limits of a city or town then its postoffice address must be given. The place of business so designated shall not be changed except through an amendment to its articles of incorporation. Its place of business shall be in charge of an agent of the corporation and shall be the place where it shall hold its meetings, keep a record of its proceedings and its stock and transfer books."

Adopted.

Senator Whipple offered the following amendment and moved its adoption:

I move to amend the printed bill by inserting as Section 7, the following: "Sec. 7. That Section Sixteen Hundred Thirty-seven (1637) of the Code be and the same is hereby amended by inserting after the word "business" in the third line of said section the following: "As clearly defined and restricted by its articles of incorporation."

Also by striking out the comma after the word "attested" in the eighth line of said section and inserting the following: "By

the Secretary of State or other state officer in whose office the original articles are filed."

Adopted.

Senator Whipple offered the following amendment and moved its adoption:

Amend Section Seven of the bill by substituting the figure "8" for "7" after the word Section in the first line thereof.

Adopted.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager Taylor, Van Law, Whipple, Whiting—42.

The nays were:

Senator Wilson—1.

Absent or not voting:

Senators Adams, Balkema, Francis, McManus, Quigley, White—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson, Senate File No. 4, a bill for an act to amend the law as it appears in Section Twenty Hundred and Seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employes, was taken up and considered.

Senator Peterson moved that the Senate concur in the following House amendment:

Amend by striking out the word "said" in line four of the second paragraph of Section 1 and inserting in lieu thereof the word "this;" and by striking out of said line the words "as amended by this act."

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

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Adams, Clark, De Armand, Francis, Gilliland, McManus, Maytag, Ream, White—9.

So the amendment having received a constitutional majority was declared concurred in.

Senator Stuckslager asked unanimous consent to have House File No. 473 withdrawn from the Committee on Cities and Towns and placed on the Calendar.

Consent granted.

On motion of Senator Clarkson, House File No. 221, a bill for an act to amend Section Four Thousand Two Hundred Fifty-three (4253) of the Code, relating to the partition of real estate and providing for the leasing of the same, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Clarkson moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Adams, Gilliland, Larrabee, McManus, Quigley, Saunders, Smith of Mitchell, Taylor, White—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 Allen of Pocahontas, Senate File No. 367, a bill for an act defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any person, firm, or corporation, and providing a remedy in behalf of the husband, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas, moved the adoption of the following amendment:

Amend Section 1 by adding after the word "corporation" in the third line the words 'including any municipal corporation.'

Adopted.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De

Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Cosson, De Armand, Foley, McManus, Nichols, Quigley, Sammis, Whipple, White, Whiting—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Seeley, House File No. 71, a bill for an act to repeal Section Twenty-three Hundred and Sixty-seven (2367) of the Code, defining a lawful fence, was taken up and considered.

Senator Seeley moved that the motion filed by Senator Francis to reconsider the vote by which the bill passed the Senate and the vote by which the bill passed to its third reading be laid on the table.

Carried.

On motion of Senator Saunders, Senate File No. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor, was taken up and considered.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson,

De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—44.

The nays were:

None.

Absent or not voting:

Senators Chapman, Frudden, Hoyt, McManus, White—5.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Gilliland moved that Senate File No. 308, and House File No. 380, be referred to the Committee on Appropriations.

Carried.

On motion of Senator Hammill, House File No. 231, a bill for an act making appropriation for additional improvements at the Iowa State Fair and Exposition Grounds, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that the rules 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—37.

The nays were:

Senators Adams, McCulloch, Taylor—3.

Absent or not voting:

Senators Allen of Pocahontas, Clarkson, De Armand, De Wolf, Frudden, McManus, Ream, Stuckslager, White—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 390, a bill for an act to amend the law as it appears in Section Twenty-nine Hundred-a-twenty-eight (2900-a-28) of the Supplement to the Code, 1907, relating to islands within the waters of the state, authorizing the executive council to sell same.

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

By Senator De Wolf (by request), Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same.

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

By Senator Allen of Pocahontas, Senate File No. 392, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred and Twenty-seven-a-fifty-eight (2727-a-58), and Twenty-seven Hundred and Twenty-seven-a-fifty-nine (2727-a-59), of the Supplement to the Code, 1907, providing for the inspection of county and city jails.

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

The President announced that there had been placed with him a communication which would require an executive session.

HOUSE MESSAGES CONSIDERED.

House File No. 2, a bill for an act relative to the government of certain cities.

Passed on file.

House File No. 252, a bill for an act to amend the law as it appears in Section 1137-a-7 of the Supplement to the Code, 1907, relating to elections and voting machines.

Read first and second time and placed on Calendar.

House File No. 201, a bill for an act to repeal Section 1091 of the Code, relative to polling places for county precincts and to enact a substitute therefor.

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

Senator Dowell moved that the Senate go into executive session at 3:45 o'clock.

Carried.

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

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 98, a bill for an act authorizing the Governor of the State of Iowa to issue patent attested by the Secretary of State to certain land to and in favor of O. J. Felton, being the property situated in Linn County, Iowa, described as follows, to-wit: The southwest quarter (S. W. $\frac{1}{4}$) of the northwest quarter (N. W. $\frac{1}{4}$) and the southeast quarter (S. E. $\frac{1}{4}$) of the southwest quarter (S. W. $\frac{1}{4}$) of Section sixteen (16), Township eighty-five (85) north, range five (5) west of the fifth principal meridian.

Also:

Senate File No. 170, a bill for an act to legalize the establishment of the superior court of the City of Perry, Dallas County, State of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof, or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.

Also:

Senate File No. 167, a bill for an act making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the State Sanatorium for the treatment of tuberculosis.

Also:

Senate File No. 218, a bill for an act to amend the law as it appears in Section twenty-one hundred fifty-seven-g (2157-g) of the Supplement to the Code, 1907, relating to free passes by common carriers.

Also:

Senate File No. 282, a bill for an act to legalize the action and proceedings of the board of supervisors of Mills County, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony Creek drainage district No. 1 and the widening, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 73, a bill for an act to amend the law as it appears in Section eleven hundred seventy-seven (1177) of the Code relating to the qualifications of public officers.

Also:

House File No. 109, a bill for an act to repeal Section thirteen hundred and sixty-three (1363) of the Code, relating to statistics, and enacting a substitute therefor.

Also:

House File No. 132, a bill for an act to amend the law as it appears in Sections four thousand nineteen (4019), four thousand twenty (4020) and four thousand twenty-one (4021) of the Code relating to the preference of debts owing for labor and the filing, allowing and contesting of claims therefor.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, House Files Nos. 109, 132, and 73.

The time having arrived the President announced that the Senate would go into executive session.

Senate went into executive session.

The President laid before the executive session a communication which read as follows:

To the Senate of the Thirty-third General Assembly:

GENTLEMEN—I have the honor herewith, subject to your advice and consent as provided in Section 145 of the Code, to appoint as custodian of public buildings and property, Colonel C. W. Boutin of Hampton, Franklin County, to succeed the present custodian, T. E. McCurdy, whose term expires the 31st instant.

B. F. CARROLL,
Governor.

Done this 23rd day of March, 1909.

On motion the Senate advised and consented to the appointment of Colonel C. W. Boutin as custodian of public buildings and property for the term beginning March 31, 1909.

The Senate arose from executive session.

Senate resumed regular session.

Senator Saunders moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 24, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. W. A. Schwinley of Sibley, Iowa.

Senator Moon filed the following motion:

I move to reconsider the vote by which House File No. 231 passed the Senate.

E. G. MOON.

The President announced that he had appointed Senator E. G. Moon as a member of the Railroad Committee to fill the vacancy caused by the resignation of Senator Jamieson.

PETITIONS AND MEMORIALS.

Senator Brown presented petition from residents of Decatur and Ringgold counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Pocahontas presented petition from residents of Buena Vista County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from Board of Education of Mason City, Iowa, favoring the passage of Senate File No. 290, relative to the proposed changes in the school laws.

Referred to Committee on Schools.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 210, a bill for an act to amend the law as it appears in Section nineteen hundred eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, relating to the filing of transcripts in appeals from drainage assessments, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 210.

A Bill for an Act to Amend the Law as it Appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, Relating to the Filing of Transcripts in Appeals From Drainage Assessments.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section nineteen hundred eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, be and the same is hereby amended by adding to said Section the following:

Provided, however, that where more than one appeal is taken from the action of the board in the same drainage district, the county auditor shall make out one full and complete transcript of the proceedings, and such transcript upon being filed with the clerk of the district court shall be considered a part of the files in each case and the cost thereof shall be apportioned as ordered by the court, and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Substitute was read first and second time and passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 311, a bill for an act to amend the law as it appears in Section twenty-five hundred five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 340, a bill for an act amending the law as it appears in Section twenty-five hundred ninety-six-a (2596-a) of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

To amend Section 1 by striking out the comma following the word "purposes" in the fifth line of the printed bill and the following: "or to wholesale or retail dealers in drugs." Amend further by adding to the Section the following: "However, nothing in this act shall be construed to prevent the sale thereof to wholesale or retail dealers in drugs or to superintendents of hospitals," and when so amended the bill do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 183, a bill for an act regulating certain classes of advertisements, prohibiting other classes, and providing a penalty for violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Moon, Senate File No. 231, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition Grounds was taken up and considered.

Senator Van Law moved that the bill pending on a motion to reconsider be made a Special Order for this forenoon at 11:00 o'clock.

Carried.

INTRODUCTION OF BILLS.

By Senator Parshall, Senate File No. 393, a bill for an act to amend the law as it appears in Section Four Hundred Eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of County Auditors.

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

THIRD READING OF BILLS.

On motion of Senator Gilliland Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections Twenty-five Hundred and Seventy-five-A-forty-eight (2575-A-48 and Section Twenty-five Hundred Seventy-fiveA-forty-nine (2575-A-49 of the Supplement to the Code, 1907, with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, Dowell Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Moon, Nichols, Parshall, Peterson, Quigley, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Chapman, Brown, DeWolf, Foley, Frudden, Larrabee, McManus, Mattes, Maytag, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Mitchell—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Hunter asked unanimous consent to have House File No. 265 withdrawn from the Committee on Ways and Means.

Consent granted.

Senator Smith of Mitchell, from the Committee on Ways and Means, returned to the Senate House File No. 265.

On motion of Senator Hunter Senate File No. 226, a bill for an act to amend Section 1530 of the Supplement to the Code, 1907, by providing for the delivery to the City Treasurer of so much of the County Road Fund Tax as is collected from property within the incorporated limits of any city, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Further consideration of the bill was postponed.

On motion of Senator Hunter, House File No. 265, a bill for an act to amend Section Fifteen Hundred and Thirty (1530 of the Supplement to the Code, 1907, by providing for the delivery to the City Treasurer of so much of the County Road Fund Tax as is collected from property within the incorporated limits of any city, was taken up and considered.

The bill was read for information.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend Section 1 of the substitute by inserting a comma after the word "fund" in next to the last line of said section as printed in the journal and the words, "county drainage fund,"

Adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the word "and" in line 9, the words "except as hereinafter provided."

Adopted.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend Section 1 of the bill by striking out the word "one" in the fourth line thereof and inserting in lieu thereof the word "two"; also by striking out the word "five" in the last line of said section, and inserting in lieu thereof the word "six."

Adopted.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend the bill by inserting after the word "that" in the first line thereof the words "the law as it appears in."

Adopted.

Senator Hunter moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, DeArmand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Seeley, Smith of Des Moines, Stuckslager, Taylor, White, Whiting—38.

The nays were:

Senator Van Law—1.

Absent or not voting:

Senators Adams, Brown, DeWolf, Gilliland, McManus, Saunders, Savage, Smith of Mitchell, Van Law, Wilson—10.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend the title to the bill by inserting after the word "repeal" in the first line thereof the words, "the law as it appears in" and by striking out all after the word "therefor" in the second line thereof.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

The time having arrived for Special Order No. 2, on motion of Senator Fitchpatrick Senate File No. 31, a bill for an act requiring all corporations doing business within the State to make an annual report and pay and annual license fee to the Secretary of State, with report of committee recommending amendments and

passage, was taken up, considered, and the report of the committee adopted.

Senator Fitchpatrick moved the adoption of the following amendments:

By striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Any corporation, organized under the laws of this State or under the laws of any other State, Territory or any foreign country, which has complied with the laws of this State relating to the organization of corporations and secured a certificate of incorporation or permit to transact business in this State, and any corporation that may hereafter organize and become incorporated under the laws of this State, and shall secure a certificate of incorporation or permit to transact business in this State, and any foreign corporation that may hereafter comply with the laws of this State relating to foreign corporations and secure a permit to transact business within this State, shall, between the first day of July and the first day of August of each year, make an annual report to the Secretary of State, said report to be in such form as he may prescribe, upon a blank to be prepared by him for that purpose, and such report shall contain the following information:

1. Name and postoffice address of the corporation.
2. The amount of capital stock authorized.
3. The amount of capital stock actually issued and outstanding.
4. Par value of such stock, designating whether preferred or common stock, and amount of each kind.
5. The names and postoffice addresses of its officers and directors and whether any change of place of business has been made during the year previous to making said report.

SEC. 2. The report required by Section one (1) of this act shall be signed and sworn to by an officer of the corporation and when filed with the Secretary of State shall be accompanied by the fee required in Section three (3) hereof and also by an application for a permit to be issued to said corporation under the provisions of this act; said permit to be in such form as the Secretary of State may prescribe and which shall be in force and effect for one year from and after the first day of July of the year in which it is issued, except that where the term of a corporate existence shall expire in less than a year from the first day of July aforesaid, then said permit shall be issued for such unexpired term only, provided, however, that any corporation organized under the laws of this State, and any foreign corporation filing a certified copy of its articles of incorporation after the first day of April of any year, shall be exempt from the provisions of this act for the period ending one year from the first day of July following, after which it shall be subject to all the provisions of this act.

SEC. 3. Every corporation whose corporate period has not expired, which has heretofore obtained, or may hereafter obtain, a certificate of incorporation or permit under the provisions of Chapter one (1) of Title

nine (9) to transact business in this State as a corporation, whether the same be a domestic or foreign corporation, shall pay to the Secretary of State an annual fee based on the amount of its authorized capital stock, in amounts as follows:

On authorized capital of \$20,000 or less	\$ 2.00
On authorized capital of over \$20,000 and not exceeding \$30,000....	3.00
On authorized capital of over \$30,000 and not exceeding \$40,000....	4.00
On authorized capital of over \$40,000 and not exceeding \$50,000....	5.00
On authorized capital of over \$50,000 and not exceeding \$75,000....	7.50
On authorized capital of over \$75,000 and not exceeding \$100,000...	10.00
On authorized capital of over \$100,000 and not exceeding \$500,000..	15.00
On authorized capital of over \$500,000 and not exceeding \$1,000,000.	20.00
On authorized capital of over \$1,000,000	25.00

SEC. 4. Any corporation organized under the laws of this State, and any foreign corporation authorized to do business in this State, which shall fail to make the report and pay the annual fee provided for in this act, and within the time required in Section one (1) hereof, shall incur a penalty of ten dollars (\$10.00) per month for each month of such delinquency, beginning with the month of August, and dating from the first day thereof, and ending with the month of April. If on the first day of May following, such corporation shall not have filed the annual report and paid the annual fee, together with all monthly penalties due at the time of filing said report and paying said fee, it shall, because of such failure, forfeit its corporate rights within this State.

SEC. 5. During the month of August of each year the Secretary of State shall prepare a list of all delinquent corporations and file the same in his office, and on or before the first day of September he shall send by registered mail to each delinquent a notice of such delinquency and of the fact that a penalty of ten dollars (\$10.00) per month will be due the State beginning with the month of August and ending with the month of April, and that if the annual report required in this act is not filed, and the annual fee paid, together with penalties due, on or before the last day of April, that on the first day of May following, its corporate rights will be declared forfeited. A copy of each of said notices shall be preserved in the office of the Secretary of State.

SEC. 6. On the first day of May following the date of said notice, the certificate of incorporation or permit of all domestic corporations that have not complied with the provisions of this act shall be forfeited, and all foreign corporations that have not complied with the provisions of this act shall forfeit the right to transact business in this State, and a declaration of forfeiture and cancellation shall be entered upon the margin of the record of the articles of incorporation of such company in the office of the Secretary of State or in such other suitable record as the Secretary of State may provide.

SEC. 7. Nothing in this Chapter shall be construed as imposing an annual fee or requiring a report from any corporation organized for religious, educational, scientific or charitable purposes or other corporations organized under Chapter two (2) of Title nine (9) of the Code. Providing also that banks shall not be required to pay the annual fee re-

quired of other corporations under this act, but shall be required to make annual reports.

SEC. 8. After the first day of November and not later than the first day of January of each year the Secretary of State shall compile an alphabetical list of the domestic and foreign corporations legally doing business within this State, together with postoffice address, and mail a copy thereof to each county recorder in the several counties in this State, who shall file the same in his office.

SEC. 9. It shall be the duty of the Secretary of State between the first day of May and the first day of July of each year to notify all corporations whose corporate period has not expired, or, that have not dissolved according to law, that are subject to the provisions of this act, of the requirements herein made, enclosing therewith a blank form of report and application as herein provided; and the mailing of said notice at Des Moines, Iowa, addressed to the corporation at its postoffice address as shown by the records of his office shall be deemed a full, complete, and legal notice for the purpose of this act.

SEC. 10. The last paragraph of Section sixteen hundred and twelve (1612) of the Supplement to the Code, 1907, which reads as follows, is hereby repealed: "The corporation shall annually, in January, file with the Secretary of State a list of its officers and directors, and any change in the location of its place of business made by a vote of the stockholders."

SEC. 11. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Adopted.

Senator Adams offered the following amendment and moved its adoption:

I move to amend by striking out the last sentence in Section 7.

Adopted.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section Four (4) by striking out all of Section four (4) following the word "April" in the seventh line thereof.

Senator Peterson offered the following substitute amendment and moved its adoption.

I move to amend Section Four of the bill by striking out the words, "because of such failure" in the eleventh line and inserting in lieu thereof the words, "on the order of the Executive

Council"; and be further amended by striking out the period at the end of the section and inserting a comma in lieu thereof and following said comma the words, "but no corporation having its corporate rights forfeited shall be liable for payment of the annual fee or penalty herein provided.

Senator Chapman moved the previous question on the amendments.

Carried.

The substitute amendment was lost.

The amendment was adopted.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section Three (3) by striking out all of Section Three (3) following the word "fee" in the sixth line thereof and inserting the words, "of three dollars" in lieu thereof.

Senator Chapman moved the previous question on the amendment and the bill.

Carried.

The amendment was lost.

Senator Sammis moved that the time for adjournment be extended fifteen minutes.

Carried.

Senator Fitchpatrick moved that the rules be suspended, 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 ayes were:

Senators Adams, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gilliland, Mattes, Maytag, Peterson, Ream, Smith of Mitchell, Van Law, Whiting—14.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Chapman, Clark, De Armand, De Wolf, Foley, Frudden, Gates, Hammill, Hunter, Larrabee, McCulloch, Moon,

Nichols, Parshall, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Taylor—26.

Absent or not voting:

Senators Balkema, Burgess, Hoyt, McManus, Savage, Stuckslager, Whipple White, Wilson—9.

So the bill having failed to receive a constitutional majority was declared lost.

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

Senator Cosson from the Conference Committee on part of the Senate on Senate File No. 7 submitted the following report:

MR. PRESIDENT—The conference committee on Senate File No. 7, to pass upon the disagreements between the two houses, respectfully report that we have had the disagreements under consideration and recommend the following:

1. That the Senate concur in House amendment No. 1 to strike out all after the comma after the word "code" in the second line of the title and inserting the following in lieu thereof, "and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy."

2. That the House recede from its amendment No. 2, to strike out the word "who" in the sixth line and inserting the word "whom."

3. That the Senate concur in House amendment No. 3 to strike out Section six.

4. That Section five be amended by adding thereto the following: "When such investigation is made the sheriff shall file with the county auditor a detailed, sworn statement of his expenses accompanied by the written order of the county attorney and the board shall audit and allow only so much thereof as it shall find necessary and reasonable."

That the Senate concur in House amendment No. 4, to strike out Section eight, being the publication clause.

6. That the Senate concur in House amendment No. 5, changing Section 7 to Section 6.

N. J. LEE,

F. C. DAVIDSON,

H. C. SCHROEDER,

Conferees on Part of House.

GEORGE COSSON,

SHIRLEY GILLILLAND,

E. G. MOON,

Conferees on Part of Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 8, a bill for an act authorizing the district court or judge to remove officers for misfeasance, malfeasance or nonfeasance in office, and providing the method of procedure therefor.

Also:

Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a board of examiners in optometry.

Also:

Senate File No. 150, a bill for an act to amend the law as it appears in Section five hundred eleven (511) of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners.

Also:

Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

Also:

Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

Also:

Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 8, a bill for an act authorizing the district court or judge to remove

officers for misfeasance, malfeasance or nonfeasance in office, and providing the method of procedure therefor.

Also:

Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a board of examiners in optometry.

Also:

Senate File No. 150, a bill for an act to amend the law as it appears in Section five hundred eleven (511) of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners.

Also:

Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

Also:

Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

Also:

Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

INTRODUCTION OF BILLS.

By Senator Sammis, Senate File No. 394, a bill for an act to legalize the action of the Independent School District of Marcus, Cherokee County, Iowa, in voting of bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

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

Julia E. Downey, clerk for Committee on Printing, having resigned, Eddie Hanson was appointed clerk for Committee on

Printing, and appeared before the bar of the Senate and was duly sworn.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M.

On request of Senator Wilson leave of absence was granted Senator Foley for the day on account of sickness.

PETITIONS AND MEMORIALS.

Senator Brown presented petition from residents of Decatur County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Van Buren presented petition from residents of Van Buren County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Plymouth County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Cosson presented petition from residents of Audubon County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented petition from residents of Davis County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from business men of Story City Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Sammis presented petition from shippers and producers of Holstein Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Moon asked unanimous consent to have House File No. 231 made a Special Order for to-morrow morning at 9:30 o'clock.

Consent granted.

Senator Dowell moved that Senate File No. 134 be made a Special Order for Friday at 10:30 A. M.

Carried.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 3, a bill for an act to repeal the law as it appears in Section Fourteen Hundred Fifty-seven (1457) of the Supplement to the Code, and to enact a substitute therefor, relating to the subject of loaning or depositing of public funds, was taken up and considered.

Senator Dowell moved that the Senate concur in the following House amendments:

Amend by inserting between the words "on" and "daily" in line 11 of Section 1 the words, "ninety per cent of the."

Amend by inserting after the word "month" and before the word "which," in the twelfth line of the original bill, the words, "all of."

Amend in line seventeen (17) of the original bill after the words, "by reason of such deposit or deposits," by changing the period to a semi-colon and inserting the following words, "provided that in cases where an approved surety company's bond is furnished, said bond may be accepted in an amount equal to 10 per cent more than the amount deposited."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

Senator White—1.

Absent or not voting:

Senators Adams, Balkema, Bruce, De Armand, De Wolf, Foley, McManus, Maytag, Parshall, Ream—10.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Allen of Van Buren, House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the Town Council of said town, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Allen of Van Buren moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

Senator Allen of Van Buren moved that the vote by which House File No. 381 passed to its third reading be reconsidered.

Carried.

Senator Allen of Van Buren offered the following amendment and moved its adoption:

I move to amend Section 1 by striking out the word "legislation" at the end of said section and insert in lieu thereof the word "litigation."

Adopted.

Senator Allen of Van Buren moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, De Wolf, Foley, Parshall, Sammis—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 7, a bill for an act to repeal Sections Four Hundred and Ninety-nine (499) and Five Hundred Two (502) of the Code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor, was taken up and considered.

Senator Cosson moved the adoption of the report of the Conference Committee.

Adopted.

Senator Cosson moved that the Senate concur in the House amendments as recommended by the Conference Committee, as follows:

1. To strike out all after the comma after the word "Code" in the second line of the title and inserting the following in lieu thereof, "and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy."

2 To strike out Section Six.

3. To strike out Section Eight, being the publication clause.

4. To change Section 7 to Section 6; and also adopt and include in the bill the amendment to the bill as recommended by said Conference Committee as follows:

5. That Section Five be amended by adding thereto the following: "When such investigation is made the sheriff shall file with the county auditor a detailed, sworn statement of his expenses accompanied by the written order of the county attorney and the Board shall audit and allow only so much thereof as it shall find necessary and reasonable."

On the question, "Shall the Senate concur in the House amendments and adopt and include in the bill the amendment to the bill as recommended by the Conference Committee?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stucklager, Taylor, Van Law, Whipple, White, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, De Armand, De Wolf, Foley, Francis, Frudden, Gates, McManus, Parshall, Smith of Des Moines, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

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

House File No. 199, a bill for an act relating to the trial of attachment cases where an equitable interest in real estate is attached, additional to Section thirty-eight hundred and ninety-nine (3899) of the Code.

C. R. BENEDICT,
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. 90, a bill for an act to repeal Section one thousand three hundred and twenty-two (1322) of the Supplement to the Code, 1907, relating to the taxation of national, state and savings banks and loan and trust companies and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 196, a bill for an act to amend Section forty-eight hundred ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 198, a bill for an act to create a state board of education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-six (2646), two thousand six hundred forty-seven (2647), two thousand six hundred fifty (2650), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652), two thousand six hundred fifty-three (2653), two thousand six hundred sixty-

eight (2668), two thousand six hundred sixty-nine (2669), two thousand six hundred seventy (2670), two thousand six hundred eighty-one (2681), of the Code and the law as it appears in Sections two thousand seven hundred twenty-seven-a-fifty-three (2727-a-53), two thousand seven hundred twenty-seven-a-fifty-four (2727-a-54), two thousand seven hundred twenty-seven-a-fifty-five (2727-a-55), two thousand seven hundred twenty-seven-a-fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts and parts of acts inconsistent with this act.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 197, a bill for an act to grant to certain officers and other employees of the state institutions under the control of the board of control of state institutions annual vacation with pay and to repeal Section fifty-seven hundred eighteen-a-29 (5718-a-29) and Section fifty-seven hundred eighteen-a-30 (5718-a-30) of the Supplement to the Code, 1907.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 124, a bill for an act to amend Section twenty-five hundred and seventy-eight-a (2578-a) of the Supplement to the Code of Iowa, relating to the revocation of certificates by the board of medical examiners.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker appoints as Conference Committee on part of House on House File No. 208, a bill for an act to repeal Section 2565, Section 2568 of the Code, and Sections 2570-a, 2570-1, 2571-b, 2571, 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the state board of health and local boards of health, and to enact substitutes therefor: Johnston of Mitchell, Schee of O'Brien, Marston of Cerro Gordo, Fulliam of Muscatine.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Nichols, House File No. 252, a bill for an act to amend the law as it appears in Section 1137-a-7 of the

Supplement to the Code, 1907, relating to elections and voting machines, was taken up and considered.

The bill was read for information.

Senator Nichols moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Francis, Frudden, Gates, Gilliand, Hammill, Hoyt, Hunter, M(cCullough, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Stuckslager, Taylor, Van Law—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, De Wolf, Dewell, Foley, Larrabee, McManus, Parshall, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting, Wilson.—13.

So the Bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Nichols moved that Senate File No. 215, a bill for an act to amend the law as it appears in Section 1137-a-7 of the Supplement to the Code of 1907, relating to elections and voting machines be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

On motion of Senator Hammill, House File, No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185), of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188), of the Code, and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds, was taken up, and considered.

Further consideration of the bill was postponed.

On motion of Senator De Armand, Senate File No. 322, a bill for an act to amend Section Eighteen Hunderd and Fifty (1850) of the Code, relating to investment of funds of Saings banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Van Law moved that the bill be referred to the Committee on Judiciary.

The motion was lost.

Further consideration of the bill was postponed.

On motion of Senator Moon, House File No. 149, a bill for an act to amend the law as it appears in Section 2157-g of the Supplement to the Code, 1907, in relation to the issuance, furnishing, and giving of free tickets, free passes, free transportation, and discriminating reduced rates to certain persons, was taken up, and considered.

On the motion filed by Senator Moon, to reconsider the vote by which the report of the Committee on Railroads on House File No. 149, was adopted on March 17th, a roll call was demanded.

Those favoring the motion to reconsider were:

The ayes were:

Senators Adams, Chapman, Clarkson, De Wolf, Dowell, Francis, Frudden, Hunter, Moon, Parshall, Quigley, Ream, Sammis, Saunders, White, Wilson—17.

The nays were:

Senators Allen of Pocahontas, Balkenma, Bennett, Brown, Burgess, De Armand, Fitchpatrick, Gates, Gilliland, Hammill, Larabee, Mattes, Maytag, Peterson, Proudfoot, Savage, Seeley, Smith of Mitchell Stuckslager, Whipple, Whiting.—21.

Absent or not voting:

Senators Allen of Van Buren, Clark, Cosson, Foley, Hoyt, McCulough, McManus, Nichols, Smith of Des Moines, Taylor, Van law.—11.

So the motion was lost.

REPORTS OF COMMITTEES.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 312, a bill for an act to repeal Section 2111 of the Code and to enact a substitute therefor, relating to the appointment, organization, powers and duties of the board of railroad commissioners and to repeal Section 2122 of the Code and to enact a substitute therefor, relating to the regulation of railroads and other common carriers and telegraph and telephone companies and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the board of railroad commissioners, and for an act additional to Chapter seven of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections 1068 and 2121 of the Code, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 325, a bill for an act to provide for the investigation of water, gas, heat, light or power works or plants, and the operation thereof; to provide for annual reports with reference to the operation thereof, and prescribing the procedure therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 366, a bill for an act to establish a public service commission and prescribing its powers and duties and providing for the regulation and control of public utilities and making an appropriation therefor; also transferring the powers and duties of the Executive Council as prescribed by Chapter 71 of the Acts of the Thirty-second General Assembly of Iowa, in so far as they relate to public service corporations, and the powers and duties of the Board of Railroad Commissioners as prescribed by law to said commission; also repealing the powers heretofore granted to cities and towns and cities acting under special charters and cities acting under the commission plan, to fix charges for meters or to regulate and fix the rates of service of water, gas, electric light, or other public utilities, and the period of duration of their fran-

chises; also repealing, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Railroads, to whom was referred Senate File No. 38, a bill for an act to establish the office of commerce counsel and defining the powers and duties of the same, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 38.

A Bill for an Act Providing for the Appointment of a Commerce Counsel as an Assistant to the Attorney General and Defining the Powers and Duties of the Same.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. It shall be the duty of the Attorney General to diligently investigate the regulations, practices, equipment, services, and the reasonableness of the rates charged or to be charged for services rendered or to be rendered by the railroads and transportation corporations, companies, or associations, operating in whole or in part within the State of Iowa; and whenever, in the judgment of said Attorney General, any of the said regulations, practices, equipment, services, or charges affecting any of the citizens or industries of the state are undue, unjust, unreasonable, unlawful, or unduly prejudicial, or unjustly discriminate against any of the citizens or industries of the State of Iowa, it shall be the duty of the said Attorney General to institute proceedings as provided by law relative to the said matters and to prosecute the same, presenting or assisting in the presentation of said facts in a lawful manner before the Interstate Commerce Commission or the Board of Railroad Commissioners of the State of Iowa, having jurisdiction over the same and power to act in the premises.

SEC. 2. It shall be the duty of the said Attorney General or his Commerce Counsel Assistant, as hereinafter provided, to draft the necessary papers, to represent and appear for the people of the State of Iowa in all actions and proceedings involving any question under this act and to intervene, if, in his judgment advisable, in any action or proceeding in which any question is involved; to commence and prosecute all actions and proceedings directed or authorized by the Board of Railroad Commissioners of the State of Iowa.

SEC. 3. The Attorney General shall have power to examine, for the purpose of carrying out the provisions of this act, all books, tariffs, records, documents, and papers of any railroad, transportation corporation, company, or association subject to the regulation or control of any tribunal in this state; if any corporation, company, or association shall refuse to permit such examination to be made, the Attorney General may apply to the

Board of Railroad Commissioners, Interstate Commerce Commission, or other tribunal having jurisdiction of the subject matter, by petition, for the issuance of a subpoena *duces tecum* for the production of such books, tariffs, records, documents, or papers and, upon a showing of reasonable cause for the examination thereof, such tribunal shall issue such subpoena for their production. Copies of all rulings, orders, regulations or decisions of the Board of Railroad Commissioners of this State, relating to the regulation or fixing of rates, regulations, rules, or character of service of any railroad or transportation corporation, company, or association, shall be filed with the Attorney General.

SEC. 4. Duplicates of all notices, books, publications, reports, contracts, records, documents, tariff sheets, and papers of any railroad or transportation corporation, company, or association, filed or required by law to be filed with the Board of Railroad Commissioners, shall be filed with the said Attorney General. Failure to comply with the provisions of this Section shall subject such railroad or transportation corporation, company, or association to the same penalties as those fixed for failure to file said copies with the said Board of Railroad Commissioners of the State of Iowa.

SEC. 5. For the purpose of carrying into effect the provisions hereof, the Attorney General is hereby authorized and directed to appoint subject to the approval of two-thirds of the members of the Senate, in executive session, an assistant who shall be known as the Commerce Counsel, whose term of office shall be four years, commencing on the first day of July, 1909, and every four years thereafter, whose salary shall be three thousand dollars (\$3,000.00) per year; and the said Commerce Counsel shall have reimbursed to him all actual and necessary traveling expenses incurred in this discharge of his official duties. The said Attorney General is further authorized and empowered to appoint and at pleasure remove such additional clerical assistants as may be necessary, subject to the approval and authorization of the Executive Council. Said Commerce Counsel, when not engaged in his special duties, shall assist in any duties of the Attorney General. The Attorney General may, by and with the consent of two-thirds of the members of the Senate during a session of the General Assembly, remove said Commerce Counsel 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. A vacancy in said office shall be filled for the unexpired term by appointment of said Attorney General, with the approval of two-thirds of the members of the Senate in executive session. If the General Assembly is not in session, then said vacancy shall be filled by appointment of the Attorney General, which appointment shall expire thirty days from the time the next General Assembly convenes.

SEC. 6. No person in the employ of or owning any of the stock or property in or who has, in any way or manner, pecuniary interests in any railroad or transportation corporation, company, or association shall be eligible to the office of Commerce Counsel, and the entry into the employment of or the acquiring of any stock or interest in any railroad or such other corporation by said Commerce Counsel after his appointment

shall disqualify him to hold said office or perform the duties thereof. Said Commerce Counsel shall not engage in any other business, vocation, or employment. The Commerce Counsel who solicits or otherwise exercises his influence, directly or indirectly, to induce other officers or employes of the state to adopt his political views, or to favor any particular person or candidate for office, or who shall, in any manner, contribute money or thing of value, to any person for election purposes shall be removed from his office or position by the Attorney General.

SEC. 7. There is hereby appropriated from any funds in the state treasury not otherwise appropriated, sufficient thereof to pay the salary and expenditures hereby authorized. The said salary and expenditures shall be audited and allowed by the Auditor of State and shall be paid monthly by the Treasurer of State upon the warrant of the Auditor of State.

SEC. 8. This act, being deemed of immediate importance, shall take effect and be in force immediately upon its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa, and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Railroads, to whom was referred House File No. 54, a bill for an act to amend Section 2119 of the Code relating to the enforcement of the rules, orders, and regulations of the Board of Railway Commissioners, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the title of said bill be stricken out and the following substituted therefor, to-wit:

"A bill for an act to amend Section two thousand one hundred nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners and to provide for the time when said rules, orders or regulations shall take effect," and that the said bill be further amended by adding thereto the following:

"SEC. 3. The time for the taking effect of any rule, order, or regulation affecting public rights, made by the Board of Railroad Commissioners as provided herein, may, in its discretion, be extended, and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay," and when so amended the bill do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 365, a bill for an act to provide for the payment of a bounty for the destruction of foxes, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 365.

A Bill for an Act to Provide for the Payment of a Bounty or Bounties for the Destruction of Foxes.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. The Board of Supervisors of any county may provide for the payment from the general fund of the county of a bounty not exceeding two dollars (\$2.00) for each fox caught and killed within the county, provided that the person entitled to such bounty shall make, within thirty days after the killing of such animal, proof of the killing and destruction thereof.

SEC. 2. The person or persons claiming such bounty shall produce and present, to the county auditor of the county where in the animal was killed, the whole skin of the animal and the county auditor shall thereupon destroy or deface the same so as to prevent a second bounty being paid thereon.

SEC. 3. The person or persons claiming such bounty shall furnish written proof, under oath as may be required by resolution of the Board of Supervisors, showing that each animal for which bounty is claimed was caught and killed within the county against which he presents the claim for bounty, and when so amended the bill do pass.

JAS. E. BRUCE,

Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 321, a bill for an act to amend the law as it appears in Section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a-31) of the Supplement of the Code, nineteen hundred and seven (1907), relating to food standards, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. E. BRUCE,

Chairman.

Ordered passed on file.

Senator Van Law asked unanimous consent to have printed 100 extra copies of Senate File No. 325.

Consent granted.

On motion of Senator Van Law, House File No. 239, a bill for an act to amend Section (2477) of the Supplement to the Code,

1907, relating to compensation and expenses of the Department of Bureau of Labor Statistics, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Van Law moved the adoption of the following amendments:

Amend the bill by striking out the word "fifth" in line four of the bill and insert in lieu thereof the word "eighth" and also move to amend the bill by striking out the word "eighteen" in the eighth line of the bill and inserting in lieu thereof the word "twenty-one." Also insert after the word "code" in Section One the figures "1907."

Adopted.

Senator Maytag moved that the bill be referred to the Committee on Appropriations.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Balkema, Bennett, Brown, Burgess, Clark, Francis, Gates, Larrabee, McCulloch, Mattes, Maytag, Seeley, Smith of Des Moines, Smith of Mitchell, Wilson—15.

The nays were:

Senators Allen of Pocahontas, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Gilliland, Hammill, Hunter, Moon, Nichols, Parshall, Quigley, Ream, Sammis, Van Law, Whiting—18.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Chapman, Foley, Frudden, Hoyt, McManus, Peterson, Proudfoot, Saunders, Savage, Stuckslager, Taylor, Whipple, White—16.

So the motion was lost.

Senator Van Law moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Taylor, Van Law, White, Whiting, Wilson—32.

The nays were:

Senator Brown—1.

Absent or not voting:

Senators Adams, Allen of Van Buren, Balkema, Bennett, De Wolf, Foley, Hoyt, McManus, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Hunter filed the following motion:

I move to reconsider the vote by which House File No. 36 failed to pass the Senate. Also the vote by which same passed to its third reading.

ROBERT HUNTER.

On motion of Senator De Wolf, Senate File No. 233, a bill for an act to amend the law as it appears in Sections Eight Hundred Fifty-c (850-c), Eight Hundred Fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners, was taken up and considered.

The motion of Senator De Wolf to reconsider the vote by which the bill failed of passage, prevailed.

The motion to reconsider the vote by which the bill passed to its third reading prevailed.

Senator De Wolf offered the following amendment and moved its adoption:

Substitute for Section 1:

The law as it appears in Section Eight Hundred and Fifty-c (850-c) of the Supplement to the Code, 1907, is hereby amended by striking out all of that part of said section commencing with the first word thereof "the" and ending with the word "year" in the eighth line thereof, and inserting in lieu thereof the following:

“The board shall on or before the first day of August of each year determine and fix the amount or rate necessary to pay maturing bonds and to pay the interest on all outstanding bonded indebtedness and such an additional amount or rate as they may deem necessary for park purposes, not exceeding for all purposes two mills on the dollar in all cities and towns on the valuation of such city or town, to be levied, collected and appropriated for park purposes for the ensuing year; and shall cause the same to be certified to the city or town council which shall levy the portion or rate necessary to meet the maturing bonds and interest on all bonded indebtedness and so much of the additional amount or rate as it may deem necessary to promote park interests, and certify the per cent thereof to the county auditor with the other taxes for said year. The amount levied and collected for the payment of any bonds or the interest thereon shall not be used, appropriated or diverted to any other purpose. If the board shall fail to certify to the city or town council the amount and rate for the ensuing year necessary for the purpose of paying any bonds and the interest thereon issued by the board, the city or town council shall levy such tax as shall be necessary to pay any such maturing bonds and interest on all the bonded indebtedness.”

Further consideration of the bill was postponed.

On motion of Senator Larrabee, House File No. 2, a bill for an act to repeal Sections Ten Hundred Fifty-six-a Seventeen (1056-a 17), Ten Hundred Fifty-six-a Eighteen (1056-a 18), and Ten Hundred Fifty-six-a Twenty-six (1056-a 26), of chapter Fourteen-c (14-c) of the Supplement Code of Iowa and to enact substitutes therefor, and to amend Sections Ten Hundred Fifty-six-a-Nineteen (1056-a 19), Ten Hundred Fifty-six-a Twenty (105-a 20), Ten Hundred Fifty-six-a Twenty-one (1056-a 21), Ten Hundred Fifty-six-a Twenty-four (1056-a 24), Ten Hundred Fifty-six-a Twenty-five (1056-a 25), Ten Hundred Fifty-six-a Twenty-eight (1056-a 28), Ten Hundred Fifty-six-a Thirty-two (1056-a 32), and Ten Hundred Fifty-six-a Thirtynine (1056-a 39) of chapter fourteen-c (14-c) of the Supplement Code of Iowa, all relating to the Government of certain cities, was taken up.

Senator Larrabee moved that the vote by which the bill passed the Senate and the vote by which the bill passed to its third reading be reconsidered.

Carried.

Senator Larrabee offered the following amendment and moved its adoption.

I move to amend by placing a square ☐ before the words (name of candidate) immediately underneath the words "for Mayor."

Also a square ☐ before the words (name of candidate) immediately underneath the words "for councilman" on the Official Primary Ballot as found in Section Five of said Bill.

On the question, "Shall the amendment be adopted?"

The ayes were:

Senators Balkema, Brown, Burgess, Chapman, Cosson, De Armand, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCullough, Mattes, Maytag Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Seeley, Smith of Des Moines, Van Law, White, Whiting, Wilson.—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Allen of Pocahontas, Bennett, Bruce, Clark, Clarkson, De Wolf, Dowell, Foley, Francis, Hoyt, McManus, Proudfoot, Saunders, Savage, Smith of Mitchell, Stuckslager, Taylor, Whipple.—20.

So the amendment was adopted.

Further consideration of the bill was postponed.

On motion of Senator Peterson, Senate File No. 379, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred Eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—34.

The nays were:

Senator Francis—1.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, De Wolf, Foley, Hoyt, McManus, Mattes, Nichols, Proudfoot, Saunders, Savage, Stuckslager, Whipple—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 De Wolf, Senate File No. 233, a bill for an act to amend the law as it appears in Sections Eight Hundred Fifty-e (850-e), Eight Hundred Fifty-e (850-e) and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissions, was taken up and considered.

The amendment offered by Senator De Wolf was adopted.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senators Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick,

Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Chapman, Foley, Hoyt, McManus, Proudfoot, Sammis, Saunders, Savage, Stuckslager, Whipple—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Larrabee, House File No. 313, a bill for an act to legalize certain ordinances of the town of Callender, Webster County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved that the rules 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 ayes were:

Senators Balkema, Bennett, Bruce, Burgess, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Chapman, Clarkson, De Wolf, Foley, Hoyt, McManus, Mattes, Proudfoot, Ream, Saunders, Savage, Stuckslager, Whipple—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 199, a bill for an act relating to the trial of attachment cases where an equitable interest in real estate is attached additional to Section 3899 of the Code.

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

House File No. 90, a bill for an act to repeal Section 1322 of the Supplement to the Code, 1907, relating to the taxation of National, State and Savings Banks, and Loan and Trust Companies and to enact a substitute therefor.

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

House File No. 196, a bill for an act to amend Section 4898 of the Code, relating to breaking jail and the escape of prisoners from custody.

Passed on file.

House File No. 208, a bill for an act to repeal Sections 2565, 2568, of the Code and Sections 2570-a, 2570-1, 2570-b, 2571, 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health and of local Boards of health, and to enact substitutes therefor.

Passed on file.

Senate File No. 198, a bill for an act to create a State Board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections Two Thousand Six Hundred Seventeen (2617), Two Thousand Six Hundred Eighteen (2618), Two Thousand Six Hundred Nineteen (2619), Two Thousand Six Hundred Twenty (2620), Two Thousand Six Hundred Thirty-five (2635), Two Thousand Six Hundred Thirty-six (2636), Two Thousand Six Hundred For-

ty-two (2642), Two Thousand Six Hundred Forty-six (2646), Two Thousand Six Hundred Forty-seven (2647), Two Thousand Six Hundred Fifty (2650), Two Thousand Six Hundred Fifty-one (2651), Two Thousand Six Hundred Fifty-two (2652), Two Thousand Six Hundred Fifty-three (2653), Two Thousand Six Hundred Sixty-eight (2668), Two Thousand Six Hundred Sixty-nine (2669), Two Thousand Six Hundred Seventy (2670), Two Thousand Six Hundred Eighty-one (2681), of the Code and the law as it appears in Sections Two Thousand Seven Hundred Twenty-seven-a-fifty-three (2727-a-53), Two Thousand Seven Hundred Twenty-seven-a-fifty-four (2727-a-54), Two Thousand Seven Hundred Twenty-seven-a-fifty-five (2727-a-55), Two Thousand Seven Hundred Twenty-seven-a-fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts, and parts of acts, inconsistent with this act.

Passed on file.

Senate File No. 197, a bill for an act to grant to certain officers and other employes of the State institutions under the control of the Board of Control of State institutions, annual vacation with pay and to repeal Section 5718-a-29 and Section 5718-a-30 of the Supplement to the Code, 1907.

Passed on file.

Senate File No. 124, a bill for an act to amend Section 2578-a of the Supplement to the Code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners.

Passed on file.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 216, 150, 91, 318, 153, and 8.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 8, a bill for an act authorizing the district court or judge to remove officers for misfeasance, malfeasance or nonfeasance in office, and providing the method of procedure therefor.

Also :

Senate File No. 91, a bill for an act to define and regulate the practice of optometry and for creation of a board of examiners in optometry.

Also :

Senate File No. 150, a bill for an act to amend the law as it appears in Section five hundred eleven (511) of the Supplement to the Code, 1907, relating to the compensation of sheriffs for boarding prisoners.

Also :

Senate File No. 153, a bill for an act granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.

Also :

Senate File No. 216, a bill for an act prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.

Also :

Senate File No. 318, a bill for an act to legalize the ordinances of the town of Maynard, Fayette County, Iowa, and the acts and proceedings of the council of said town had thereunder.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Sammis asked unanimous consent to have printed 100 extra copies of Senate File No. 366.

Consent granted.

Senator Maytag moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 25, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Howard W. Johnston of Ackley, Iowa.

PETITIONS AND MEMORIALS.

Senator De Wolf presented petition from citizens of Waterloo, Iowa, asking that Senate File No. 271 be amended so as to include policemen.

Referred to Committee on Cities and Towns.

Senator Balkema presented petition from residents of O'Brien County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hunter presented remonstrance from business men of Sioux City, Iowa against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Larrabee presented petition from residents of Calhoun County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Armand presented remonstrance from Davenport Commercial club against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Mattes presented petition from residents of Carroll County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator McManus presented petition from residents of Lee County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Whiting presented petition from residents of Monona County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Wolf presented petition from residents of Black Hawk County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Clark presented petition from residents of Poweshiek County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Plymouth and Cherokee Counties favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Bruce presented petition from Shelby County Ministerial Association favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from residents of Franklin County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator White presented petition from residents of Iowa County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Seeley presented petition from residents of Washington County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Moon presented petition from residents of Wapello County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Whiting presented petition from residents of Monona County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 341, a bill for an act to amend Section ten hundred and

seventy-six (1076) of the Supplement to the Code, 1907, defining what shall constitute a calendar day, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Elections.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Elections.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 199, a bill for an act relating to the trial of attachment cases where an equitable interest in real estate is attached, additional to Section thirty-eight hundred and ninety-nine (3899) of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 10, a bill for an act to amend the statutes of the State of Iowa in relation to the election of the supreme court of the State of Iowa and to increase their number, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 394, a bill for an act to legalize the action of the independent school district of Marcus, Cherokee County, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by adding thereto the following: "This act shall not affect pending litigation," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 344, a bill for an act to provide for the maintenance of

certain cemeteries and to provide a tax for such purpose, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Gilliland, 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. 330, a bill for an act to repeal Section 915 of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to acknowledgment and recording of plats, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 392, a bill for an act to amend the law as it appears in Section 2727-a-58 and Section 2727-a-59 of the Supplement to the Code, 1907, providing for the inspection of county and city jails, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Larrabee, House File No. 2, a bill for an act to repeal Sections Ten Hundred Fifty-six-a-seventeen (1056-a-17), Ten Hundred Fifty-six-a-eighteen (1056-a-18), and Ten Hundred Fifty-six-a-twenty-six (1056-a-26), of Chapter Fourteen-c (14-c) of the Supplement Code of Iowa and to enact substitutes therefor, and to amend Sections Ten Hundred Fifty-six-a-nineteen (1056-a-19), Ten Hundred Fifty-six-a-twenty (1056-a-20), Ten Hundred Fifty-six-a-twenty-one (1056-a-21), Ten Hundred Fifty-six-a-twenty-four (1056-a-24), Ten Hundred Fifty-six-a-twenty-five (1056-a-25), Ten Hundred Fifty-six-a-twenty-eight (1056-a-28), Ten Hundred Fifty-six-a-thirty-two (1056-a-32), and

Ten Hundred Fifty-six-a-thirty-nine (1056-a-39), of Chapter Fourteen-c (14-c) of the Supplement Code of Iowa, all relating to the government of certain cities, was taken up and considered.

Senator Larrabee moved that the rules 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Moon, Peterson, Proudfoot, Quigley, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting, Wilson—30.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Bruce, Chapman, Cosson, Foley, Francis, Frudden, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Ream, Saunders, Savage, Taylor, White—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Moon, House File No. 231, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair Grounds was taken up and considered.

Senator Brown moved to lay on the table the motion filed by Senator Moon to reconsider the vote by which the bill passed the Senate.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Brown, Bruce, Clark, Cosson, Dowell, Frudden, Gates, Larrabee, Mattes, Maytag, Nichols, Parshall, Proudfoot, Sammis, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, White, Whiting, Wilson—22.

The nays were:

Senators Clarkson, Fitchpatrick, Francis, Gilliland, Hoyt, Hunter, McCulloch, Moon, Peterson, Quigley, Van Law, Whipple—12.

Absent or not voting:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, De Armand, De Wolf, Foley, Hammill, McManus, Ream, Saunders, Seeley, Stuckslager—15.

So the motion to reconsider was laid on the table.

On motion of Senator Stuckslager, House File No. 473, a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund was taken up and considered and the report of the committee adopted.

The bill was read for information.

Further consideration of the bill was postponed.

On motion of Senator Stuckslager, Senate File No. 376, a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river

front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into roads districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund, with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved the adoption of the following amendments:

Amend the title by inserting in the third line thereof after the word "Iowa," the words "as the same appears in Chapter 14-c of title V, of the Supplement to the Code, 1907."

Also amend the title by inserting after the word "Iowa" at the end of the sixth line thereof the words "as the same appears in chapter 9-a of title V, of the Supplement to the Code, 1907."

Also amend Section 1 of the bill by inserting in the fifth line thereof after the word "Iowa," the words "as the same appears in Chapter 14-c of Title V, of the Supplement to the Code, 1907."

Also amend Section 1 of the bill by inserting after the word "Iowa" at the end of the seventh line thereof the words "as the same appears in Chapter 9-a, Title V, of the Supplement to the Code, 1907."

Adopted.

Senator Stuckslager moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark Cosson, De Armand, De Wolf, Francis,

Gilliland, Hammill, Hoyt, Hunter, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting—31.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Clarkson, Dowell, Fitchpatrick, Foley, Frudden, Gates, Larrabee, McCulloch, McManus, Mattes, Maytag, Quigley, Sammis, Smith of Mitchell, Taylor, Wilson—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 4, a bill for an act to amend the law as it appears in Section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employees.

Also:

Senate File No. 219, a bill for an act to amend the law as it appears in Section twenty-six hundred ninety-two-a and Section twenty-six hundred ninety-two-c of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor.

Also:

Senate File No. 317, a bill for an act to repeal Sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injury to such highways or the work done thereon.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305), Supplement to the Code, 1907, relative to the time of granting administration.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 4, a bill for an act to amend the law as it appears in Section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employees.

Also:

Senate File No. 219, a bill for an act to amend the law as it appears in Section twenty-six hundred ninety-two-a and Section twenty-six hundred ninety-two-c of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor.

Also:

Senate File No. 317, a bill for an act to repeal Sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injury to such highways or the work done thereon.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305), Supplement to the Code, 1907, relative to the time of granting administration.

Also:

House File No. 102, a bill for an act to repeal Section fifteen hundred and seventy-one (1571) of the Supplement to the Code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads.

Also:

House File No. 174, a bill for an act to provide for the payment of bounties for killing groundhogs.

Also:

House File No. 190, a bill for an act entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations.

Also:

House File No. 317, a bill for an act to legalize certain acts of the city council of the city of Cedar Rapids, Linn County, Iowa, and of the auditor, treasurer and board of supervisors of said Linn County, Iowa, relating to levy of park tax.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Gilliland, House File No. 138, a bill for an act to provide for feeble-minded men at Glenwood, and the maintenance thereof (amendatory of Chapter Seven (7), Title Thirteen (XIII) of the Code, relating to the Institution for Feeble-Minded Children) with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Gilliland moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Burgess, Chapman, Foley, Frudden, Hoyt, McCulloch, McManus, Mattes, Maytag, Quigley, White, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debts, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator De Armand moved the adoption of the following amendment:

In the first line of Section 1, after the word "city" add the words "of the first class or city," and after the word "part" in the first line of Section 1, add the words "or divided"; also amend by striking out the word "navigable" in the first and second lines of Section 1.

Adopted.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Chapman, Cosson, De Armand, Foley, Francis, Gates, McManus, Proudfoot, Saunders, Stuckslager, White, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Savage, Senate File No. 141, a bill for an act to repeal Section Thirteen Hundred Sixty-three (1363) of the

Code, relative to statistics, and enacting a substitute therefor, was taken up and considered.

Senator Savage moved that the bill be indefinitely postponed.

Carried.

On motion of Senator Allen of Pocahontas, Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor, was taken up and considered, and the report of the committee adopted.

Senator Allen of Pocahontas moved that the Senate concur in the following House amendments.

Amend Section Three by striking from the seventh line from the bottom thereof the word "largency" and inserting in lieu thereof the word "larceny."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Moon, Parshall, Peterson, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting—29.

The nays were:

None.

Absent or not voting:

Senators Balkema, Chapman, Clark, Clarkson, Cosson, Dowell, Gates, Larrabee, McManus, Maytag, Nichols, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Stuckslager, White, Wilson—20.

So the amendment having received a constitutional majority was declared concurred in.

Senator Smith of Mitchell moved that Special Order No. 2 on Senate File No. 312, Senate File No. 325 and Senate File No. 366

set for this afternoon at 1:30 o'clock be postponed until tomorrow and that said bills be made a Special Order to follow Special Order No. 1 on Senate File No. 134, set for 10:30 o'clock A. M. tomorrow.

Carried.

On motion of Senator Van Law, Senate File No. 196, a bill for an act to amend Section Forty-eight Hundred Ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody, was taken up and considered.

Senator Van Law moved that the Senate concur in the following House amendment:

Amend by striking out Section three.

On the question Shall the Senate concur in the House amendment?

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Ream, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Chapman, Cosson, Foley, McManus, Nichols, Proudfoot Quigley, Sammis, Saunders, Seeley, Taylor—11.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Whipple, Senate File No. 198, a bill for an act to create a State Board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School to

make appropriations therefor; to repeal Sections Two Thousand Six Hundred Seventeen (2617), Two Thousand Six Hundred Eighteen (2618), Two Thousand Six Hundred Nineteen (2619), Two Thousand Six Hundred Twenty (2620), Two Thousand Six Hundred Thirty-five (2635), Two Thousand Six Hundred Thirty-six (2636), Two Thousand Six Hundred Forty-two (2642), Two Thousand Six Hundred Forty-six (2646), Two Thousand Six Hundred Forty-seven (2647), Two Thousand Six Hundred Fifty (2650), Two Thousand Six Hundred Fifty-one (2651), Two Thousand Six Hundred Fifty-two (2652), Two Thousand Six Hundred Fifty-three (2653), Two Thousand Six Hundred Sixty-eight (2668), Two Thousand Six Hundred Sixty-nine (2669), Two Thousand Six Hundred Seventy (2670), Two Thousand Six Hundred Eighty-one (2681), of the Code and the law as it appears in Sections Two Thousand Seven Hundred Twenty-seven-a-fifty-three (2727-a-53), Two Thousand Seven Hundred Twenty-seven-a-fifty-four (2727-a-54), Two Thousand Seven Hundred Twenty-seven-a-fifty-five (2727-a-55), Two Thousand Seven Hundred Twenty-seven-a-fifty-six (2727-a-56), of the Supplement to the Code, 1907, and to repeal all acts and parts of acts inconsistent with this act, was taken up and considered.

Senator Whipple moved that the Senate concur in the following House amendment:

Amend by adding to Section 1 the following: "Not more than three alumni of the above institutions and but one alumnus from each institution may be members of this board at one time."

On the question, Shall the Senate concur in the House amendment?

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Savage, Smith of Mitchell, Stuckslager, Whipple Wilson—31.

The nays were:

Senators Allen of Pocahontas, Bruce, Clarkson, Cosson, De Wolf, Foley, Gates, Moon, Saunders, Seeley, Van Law, White, Whiting—13.

Absent or not voting:

Senators Hunter, Parshall, Ream, Smith of Des Moines, Taylor—5.

So the House amendment having received a constitutional majority was declared concurred in.

Senator Whipple moved that the Senate concur in the following House amendments.

Amend by inserting after the word "show" in line seven of Section Six (6) the words "who are present and."

Amend by striking out of line 14 in Section 6 the words "during the pleasure of the board" and inserting in lieu thereof the words "for a term of three years unless sooner removed by a vote of two-thirds of the members of the State Board of Education."

Amend by striking out in line 1 of Section 13 the words "the forty" and inserting in lieu thereof the word "sixty."

Amend by striking out in line 1 of Section 13 the words "the Secretary of State" and inserting in lieu thereof the words "the Secretary of the Executive Council."

On the question, Shall the Senate concur in the House amendments?

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, McCulloch, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Burgess, Fitchpatrick, Hoyt, Larrabee, Maytag, Moon, Smith of Des Moines—7.

So the amendments having received a constitutional majority were declared concurred in.

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. 467, a bill for an act to amend the law as it appears in Section one hundred eleven (111) of the Code, relating to banks as depositors.

C. R. BENEDICT,
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. 200, a bill for an act making the provisions of Section three thousand eight hundred forty-seven (3847), Code Supplement of 1907, Section three thousand four hundred forty-eight (3448), Section three thousand eight hundred forty-nine (3849), Code Supplement, Section three thousand eight hundred fifty, fifty-one and fifty-two (3850-51-52), applicable to actions in justices' courts and providing for the deposit of money in lieu of bond.

C. R. BENEDICT,
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. 263, a bill for an act to repeal Section number sixteen hundred ninety-nine (1699) of the Code, relating to the investment of their funds by insurance companies, other than life, organized under Chapter four of Title IX of the Code, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 99, a bill for an act to amend Section twenty-six hundred seventy-five (2675) of the Code, relating to the normal school at Cedar Falls.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 278, a bill for an act to authorize the issuance of a search warrant and the seizure of cigarettes and cigarette papers.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 71, a bill for an act to repeal Section 2367 of the Code defining a lawful fence.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 355, a bill for an act to repeal the law as it appears in Chapter 41 of the laws of the Thirty-second General Assembly and to enact a substitute therefor relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 223, a bill for an act to amend Section 1 of Chapter 122 of the laws of the Twenty-ninth General Assembly relating to the support of the Iowa School for the Deaf at Council Bluffs.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Cosson moved the adoption of the following amendment:

Amend Section 1 by adding after the word "place" in the second line thereof, the word "used."

Adopted.

The bill was read for information.

Senator Cosson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Chapman, Clark, Clarkson, Cosson, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Savage, Seeley, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Brown, Burgess, De Armand, Dowell, Hammill, Larabee, McManus, Quigley, Ream, Sammis, Saunders, Smith of Des Moines, Stuckslager—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 165, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 182, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission, and providing additional funds therefor, beg leave to report they have had the same under consideration and recommend the following substitute be adopted:

SUBSTITUTE FOR HOUSE FILE NO. 182.

A Bill for an Act to Amend Sections 2888-e and 2888-h, Supplement to the Code, 1907, Relating to the Library Commission, Defining the Duties of the Members Thereof, Prescribing the Salaries of Same and to Make an Appropriation Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the remainder of Section 2888-e beginning with and following the words "In addition to" in the twelfth line of said Section, be repealed, and the following enacted in lieu thereof:

In addition to their salaries the necessary traveling expenses shall be allowed the secretary and assistants while absent from the office in the service of the commission, the same to be verified and certified and paid in the same manner as other expenses incurred by the commission.

SEC. 2. That Section 2888-h be, and the same is hereby repealed, and the following enacted in lieu thereof:

No member of the commission shall ever receive any compensation for services as a member, but the traveling expenses of members in attending meetings of the commission, or in visiting or establishing libraries and other incidental and necessary expenses connected with the work of the commission, shall be paid including the necessary expense in the maintenance and extension of the traveling library system, provided that the whole amount of said expense and salaries shall not exceed the sum of eleven thousand dollars (\$11,000) in any one year, not more than six thousand dollars (\$6,000) of said sum to be used in the payment of salaries. All bills and accounts incurred by the commission or by its members under the law, and all expenses of the members of the commission, and its secretary and its assistants shall be itemized, verified and certified by the chairman and secretary of the commission, and be audited and allowed by the executive council before being paid. The State Auditor shall issue warrants therefor upon the State Treasurer, and there is hereby annually appropriated from any funds in the state treasury, not otherwise appropriated, the sum of eleven thousand dollars (\$11,000) to carry into effect the provisions of this act, and any balance not expended in any one year may be added by the commission to the expenditure of any ensuing year, and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 250, a bill for an act to repeal title eleven of the Code and the law as it appears in title eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa," beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 15 by striking out after the comma after the word "aids" in line three the following: "all of whom shall have served honorably in the regular or volunteer service of the United States, or for not less than one year in the guard."

Amend Section 17 by striking out the word "four" in line two and insert in lieu thereof the word "two."

Amend Section 34 by striking out in line two the words "personal road and" and insert in lieu thereof the following: "and labor on the road on account of."

Amend Section 43 by striking out the words and figures "one hundred fifty-two thousand nine hundred (\$152,900) dollars" and insert in lieu thereof the words and figures "one hundred forty thousand (\$140,000) dollars," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 225, a bill for an act to repeal title eleven of the Code and the law as it appears in title eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as the military code of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Maytag moved that when the Senate adjourn it be until 9:00 o'clock, A. M., tomorrow.

Carried.

THIRD READING OF BILLS.

On motion of Senator De Armand, Senate File No. 372, a bill for an act to amend the law as it appears in Section 2734-h of the Supplement to the Code, 1907, relating to the certification of

teachers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whipple offered the following amendment and moved its adoption:

Move to amend by substituting a comma for the period after line two and by adding to said section the following: "provided the average and minimum standings on such certificate are not lower than the average and minimum standings required for a first grade certificate."

The amendment was lost.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Parshall, Quigley, Sammis, Smith of Des Moines, Whiting—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Francis asked unanimous consent to have House File No. 229 withdrawn from the Committee on Fish and Game and referred to the Committee on Appropriations.

Consent granted.

On motion of Senator Francis, House File No. 333, a bill for an act making an appropriation to defray the expenses of the

Lincoln program, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—45.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Dowell, Sammis, Whipple—4.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Larrabee filed the following motion:

I move to reconsider the vote by which Senate File No. 31 failed to pass the Senate, also the vote by which the same passed to its third reading.

F. LARRABEE.

On motion of Senator Maytag, Senate Joint Resolution No. 3, relative to the appointment of a commission to investigate the natural resources and water-ways of the state and defining the duties of such commission, and making an appropriation therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Maytag moved the adoption of the following amendments:

By striking out the words, "Be it resolved by the Senate and the House concurring," in the twelfth line of the bill and insert

in lieu thereof, the words, "Be it enacted by the General Assembly of the State of Iowa."

Also in Section 2, last line, strike out the words and figures "and five (\$5) dollars per diem for time actually employed."

Adopted.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stucklager, Taylor, Van Law, Whiting, Wilson—42.

The nays were:

Senator Parshall—1.

Absent or not voting:

Senators Allen of Van Buren, Nichols, Quigley, Ream, Whipple, White—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that the time of adjournment be extended until 12:15 o'clock.

Carried.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 391.

A Bill for an Act Providing for the Filing and Registering with the Secretary of State a distinctive mark of ownership of milk and cream Cans; Requiring the Payment of a Fee for such Registration; Defining the Improper Use of Such Milk and Cream Cans, and Providing a Penalty Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Persons engaged in shipping and handling milk and cream in this state may file in the office of the Secretary of State, upon the payment of a fee of ten dollars, a description of the distinctive mark or marks of ownership of the cans used in the handling and shipping of such milk and cream, and cause notice thereof to be given by three consecutive publications in a newspaper printed in the English language in the city of Des Moines and by three consecutive publications in a weekly newspaper published in the county where such owner has his principal place of business. Such distinctive mark or marks of ownership may consist of a name, design, mark or marks or some particular color of paint or enamel used upon said cans. When said fee of ten dollars has been paid the Secretary of State shall cause said distinctive mark or marks of ownership to be recorded in a book kept for that purpose.

SEC. 2. It shall thereupon be unlawful for any one to deface, mutilate or destroy any such milk or cream cans belonging to another, or to use any such milk and cream cans for any other purpose than to convey milk and cream to the parties whose distinctive mark of ownership is on the can.

SEC. 3. Any one violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars.

JAS. E. BRUCE,
Chairman.

Substitute was read first and second time and passed on file.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 377, a bill for an act to amend Section 2781 of the Code, relating to the publication of annual financial statements of independent, city or town districts, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Chairman.

Ordered passed on file.

Senator Stuckslager asked unanimous consent to have Senate File No. 90 recalled from the Committee on Ways and Means, and referred to the Committee on Banks and Banking.

Consent granted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 4, 219, 324, 317, and House Files Nos. 102, 174, 190, 191, 37, 274, 337, 317.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 4, a bill for an act to amend the law as it appears in Section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employees.

Also:

Senate File No. 219, a bill for an act to amend the law as it appears in Section twenty-six hundred ninety-two-a and Section twenty-six hundred ninety-two-c of the Supplement to the Code, 1907, relating to state agents and making appropriation therefor.

Also:

Senate File No. 317, a bill for an act to repeal Sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injuries to such highways or the work done thereon.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305), Supplement to the Code, 1907, relative to the time of granting administration.

HENRY L. ADAMS,
Chairman.

Adopted.

INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 395.

A Bill for an Act to Legalize Certain Notices of Incorporation.

WHEREAS, In certain instances the incorporators of corporations for pecuniary profit have omitted to publish notice of incorporation within three months from the date of the certificate of incorporation issued by the Secretary of State, but have published such notice thereafter, and

WHEREAS, Doubt may have arisen as to the validity of such notices and publications. Now, therefore,

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That in all instances where the incorporators of corporations for pecuniary profit have omitted to publish notice of incorporation

within three months from the date of the certificate of incorporation issued by the Secretary of State, but have published notice thereafter, in manner and form as by law required, such notices are hereby legalized and shall have the same force and effect as though published within said period of three months.

SEC. 2. Nothing herein contained shall be construed as to affect pending litigation.

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

Senator Allen of Pocahontas, asked unanimous consent to have Senate File No. 38 made a Special Order for tomorrow forenoon to follow Special Order No. 1, on Senate File No. 134, and Special Order on Senate Files Nos. 312, 325 and 366.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 285, a bill for an act to repeal Section 1306-e of the Supplement of the Code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof, relating to the same subject, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the substitute be substituted for the original bill.

Carried.

Senator Saunders offered the following amendment and moved its adoption:

I move to strike out all after the enacting clause and insert the following:

“Sec. 1. The law as it appears in Section Thirteen Hundred six-e (1306-e) of the Supplement to the Code, 1907, is hereby amended so as to read as follows:

“If a majority, in cities having more than ten thousand (10,000) population or if in cities and towns having a population of ten thousand (10,000) or less, two-thirds or more, of all the electors voting at such election, vote in favor of the issuance of such bonds, the council of such city or town shall issue the same as provided by Section Seven Hundred Twenty-six (726) of the Code and

make provision for the payment of the bonds and interest thereon as provided by Chapter IV, Title V of the Code.

Sec. 2. This act shall be held to apply to any city or town whose qualified electors have heretofore authorized the issuance of such bonds by such election."

Adopted.

Senators Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators McCulloch, McManus, Parshall, Ream, Savage, Smith of Mitchell, Whipple, White, Whiting—9.

Senator Saunders offered the following amendment to the title and moved its adoption:

Amend the title as follows:

A bill for an act to amend the law as it appears in Section Thirteen Hundred and Six-e (1306-e) of the Supplement to the Code 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

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

HOUSE MESSAGES CONSIDERED.

House File No. 467, a bill for an act to amend the law as it appears in Section 111 of the Code, relating to banks as depositors.

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

House File No. 200, a bill for an act making the provisions of Section 3847, Code Supplement of 1907, Section 3448, Section 3849, Code Supplement, Section 3850-51-52, applicable to actions in justice's courts and providing for the deposit of money in lieu of bond.

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

House File No. 263, a bill for an act to repeal Section 1699 of the Code, relating to the investment of their funds by insurance companies other than life, organized under Chapter 4 of Title IX of the Code, and to enact a substitute therefor.

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

Senate File No. 99, a bill for an act to amend Section 2675 of the Code, relating to the Normal School at Cedar Falls.

Passed on file.

House File No. 278, a bill for an act to authorize the issuance of a search warrant and seizure of cigarettes and cigarette papers.

Passed on file.

House File No. 71, a bill for an act to repeal Section 2367 of the Code, defining a lawful fence.

Passed on file.

House File No. 355, a bill for an act to repeal the law as it appears in Chapter 41 of the laws of the Thirty-second General Assembly and to enact a substitute therefor relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor.

Passed on file.

House File No. 223, a bill for an act to amend Section 1, Chapter 122 of the laws of the Twenty-ninth General Assembly, relating to the support of the Iowa School for the Deaf at Council Bluffs.

Passed on file.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 26, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Alexander McFerran of Oskaloosa, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Savage for the day.

On request of Senator Foley, leave of absence was granted Senator Wilson until Tuesday noon.

PETITIONS AND MEMORIALS.

Senator Burgess presented petition from Commercial Club of Cedar Rapids, Iowa, favoring the passage of House File No. 398, relating to the practice of chiropractic.

Referred to Committee on Public Health.

Senator Burgess presented petition from W. C. T. U. of Council Bluffs, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented various petitions numerously signed favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Hammill presented petition from residents of Woden, Iowa, favoring the passage of Senate File No. 279, known as the Reciprocal Demurrage Bill.

Referred to Committee on Railroads.

Senator Burgess presented remonstrance from Iowa Bottlers' Association, against the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Burgess presented petition from druggists of West Branch, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from residents of Marshall County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Fitchpatrick presented petition from residents of Story County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Taylor presented petition from residents of Appanoose County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Armand asked unanimous consent to withdraw from the consideration of the Senate, Senate File No. 322.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Hammill Senate File No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) of the Code, and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds, was taken up and considered.

Senator Van Law moved that the bill be referred to the Committee on Judiciary.

Carried.

So the bill was referred to the Committee on Judiciary.

On motion of Senator Bruce, Senate File No. 292, a bill for an act repealing Section Two Hundred Fifty-four-A Twenty-four (254-a-24) of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the commitment and confinement of certain children, and the power and authority of courts and magistrates to issue orders of commitment and confinement of certain children and providing that Boards of Supervisors and city authorities shall provide separate rooms, apartments or cells for certain children, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Gilliland, Senate File No. 383, a bill for an act to amend the law as it appears in Section Nineteen Hundred and Eighty-nine-A Twenty-seven (1989-a 27) of the Supplement to the Code, 1907, relating to drainage bonds, was taken up and considered.

The bill was read for information.

Senator Gilliland moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Parshall, Peterson, Proudfoot, Quigley, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, De Armand, Foley, Mattes, Maytag, Nichols, Ream, Sammis, Savage, Smith of Mitchell—11.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend the title by adding thereto the following: Change period to comma and follow with these words: "providing for additional levy of tax and sale of bonds in certain contingencies."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Frudden, Senate File No. 346, a bill for an act amending Section 565 of the Code relating to the appointment of Deputy Assessors in any township including a city under special charter, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Frudden moved that the rules be suspended, 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 ayes were:

Senators, Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Wolf, Dow-

ell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Burgess, De Armand, Foley, Hunter, Larrabee, Mattes, Maytag, Sammis, Saunders, Savage—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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. 495, a bill for an act to amend Sections nineteen hundred eighty-nine-a-2 (1989-a-2), nineteen hundred eighty-nine-a-4 (1989-a-4), nineteen hundred eighty-nine-a-5 (1989-a-5), nineteen hundred eighty-nine-a-6 (1989-a-6), nineteen hundred eighty-nine-a-7 (1989-a-7), nineteen hundred eighty-nine-a-8 (1989-a-8), nineteen hundred eighty-nine-a-10 (1989-a-10), nineteen hundred eighty-nine-a-12 (1989-a-12), nineteen hundred eighty-nine-a-13 (1989-a-13), nineteen hundred eighty-nine-a-14 (1989-a-14), nineteen hundred eighty-nine-a-16 (1989-a-16), nineteen hundred eighty-nine-a-18 (1989-a-18), nineteen hundred eighty-nine-a-19 (1989-a-19), nineteen hundred eighty-nine-a-21 (1989-a-21), nineteen hundred eighty-nine-a-22 (1989-a-22), nineteen hundred eighty-nine-a-27 (1989-a-27), nineteen hundred eighty-nine-a-29 (1989-a-29), nineteen hundred eighty-nine-a-32 (1989-a-32), nineteen hundred eighty-nine-a-35 (1989-a-35), nineteen hundred eighty-nine-a-44 (1989-a-44), of the Supplement to the Code, 1907, and to repeal Sections nineteen hundred eighty-nine-a-3 (1989-a-3), nineteen hundred eighty-nine-a-11 (1989-a-11), and nineteen hundred eighty-nine-a-19 (1989-a-19) of the Supplement to the Code, 1907, and enact substitutes therefor; all relating to the subject of the waters, water-courses, levees and drains.

C. R. BENEDICT,
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. 230, a bill for an act to amend Section 2247 of the Code in relation to the levy of a poor tax.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 2, a bill for an act to repeal Sections ten hundred fifty-six-a-seventeen (1056-a-17), ten hundred fifty-six-a-eighteen (1056-a-18), ten hundred fifty-six-a-twenty-six (1056-a-26) of Chapter fourteen-c (14-c) of the Supplement to the Code of Iowa, and to enact substitutes therefor, and to amend Sections ten hundred fifty-six-a-nineteen (1056-a-19), ten hundred fifty-six-a-twenty (1056-a-20), ten hundred fifty-six-a-twenty-one (1056-a-21), ten hundred fifty-six-a-twenty-four (1056-a-24), ten hundred fifty-six-a-twenty-five (1056-a-25) ten hundred fifty-six-a-twenty-eight (1056-a-28), ten hundred fifty-six-a-thirty-two (1056-a-32), ten hundred fifty-six-a-thirty-nine (1056-a-39) of Chapter fourteen-c (14-c) of the Supplement to the Code of Iowa, all relating to the government of certain cities.

C. R. BENEDICT,
Chief Clerk

Also:

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

House File No. 239, a bill for an act to amend Section 2477 of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the bureau of labor statistics.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

C. R. BENEDICT,

Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Hoyt Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the State institutions prior to the convening of each regular session and making appropriations therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Hoyt moved the adoption of the following amendment:

That Section 1 be amended by inserting after the word "each" in the eighth line thereof, "not more than three of whom shall be members of the same political party."

Adopted.

Senator Hoyt offered the following amendment and moved its adoption:

I move to amend by striking out all of Section 4, and inserting in lieu thereof the following:

Sec. 4. It shall be the duty of the Board of Control of State Institutions and the State Board of Education to file with the Governor, not later than October 1, 1910, and every two years thereafter, a duplicate list of such appropriations as shall be asked by them, and the Governor shall forward to the chairman of each committee, at the time he shall be appointed, a copy of such list.

Adopted.

The bill was read for information.

Senator Bruce offered the following amendment and moved its adoption:

Amend Section 1 by adding the following as paragraph 5:

A committee which shall visit and inspect the offices and official acts and doings of the executive council and all state offices, and officials, boards, departments, commissioners and other state offices not above provided for.

Senator Bruce moved that further consideration of the bill be postponed and that it be made a Special Order for 10:00 o'clock tomorrow.

Carried.

Senator Clarkson moved that the Senate request the return from the House of Senate File No. 334.

Carried.

Senator Hunter asked unanimous consent to request the return from the House of House File No. 265.

Consent granted.

INTRODUCTION OF BILLS.

By Senator Dowell, Senate File No. 396, a bill for an act to amend the law as it appears in Section Ten Hundred Fifty-six-a-thirty-six (1056-a-36), Chapter Fourteen-c, Title Five, of the Supplement to the Code, 1907, relating to the government of certain cities and the recalling of elective officers therein.

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 71, a bill for an act to repeal Section twenty-three hundred and sixty-seven (2367) of the Code defining a lawful fence and to enact a substitute therefor.

Also:

House File No. 221, a bill for an act to amend Section four thousand two hundred fifty-three (4253) of the Code, relating to the partition of real estate and providing for the leasing of the same.

Also:

House File No. 223, a bill for an act to amend the law as it appears in Section twenty-seven hundred and twenty-seven-a (2727-a) of the Supplement to the Code, 1907, relating to the support of the Iowa School for the Deaf at Council Bluffs.

Also:

House File No. 252, a bill for an act to amend the law as it appears in Section 1137-a-7 of the Supplement to the Code, 1907, relating to elections and voting machines.

Also:

House File No. 278, a bill for an act to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers, the apprehension of the occupant of the place or building in or upon which the same are sold or kept and providing for the levy of a tax against said place or building.

Also:

House File No. 313, a bill for an act to legalize certain ordinances of the town of Callender, Webster County, Iowa.

Also:

House File No. 355, a bill for an act to repeal the law as it appears in Chapter forty-one (41) of the Laws of the Thirty-second General Assembly and to enact a substitute therefor relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to authorize anticipating collection of such tax by issuing certificates or bonds.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Senator Stuckslager filed the following motion:

I move to reconsider the vote by which Senate File No. 376 passed the Senate, and also the vote by which it passed to its third reading.

W. C. STUCKSLAGER.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 265, a bill for an act to repeal Section 1530 of the Supplement to the Code, 1907, and enact a substitute therefor by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the corporated limits of any city.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

The time having arrived for Special Order No. 1, on motion of Senator Saunders, Senate File No. 134, a bill for an act relating to the taxation of railways and railway property, including terminals, and amending Sections 1334 and 1337 of the Supplement to the Code, 1907, and Sections 1336 and 1338 of the Code, with report of committee without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Chapman, Clarkson, De Armand, De Wolf, Dowell, Foley, Frudden, Hunter, McManus, Moon, Parshall, Quigley, Ream, Saunders, Smith of Des Moines—15.

The nays were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Cosson, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Larrabee, Mattes, Nichols, Peterson, Proudfoot, Sammis, Smith of Mitchell, Van Law, Whipple, Whiting—24.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, McCulloch, Maytag, Savage, Seeley, Stuckslager, Taylor, White, Wilson—10.

So the bill having failed to receive a constitutional majority was declared lost.

EXPLANATION OF VOTE.

The bill does not meet with my approval as to all the effects which would be brought about by its passage, but I realize the great injustice of the present system of such taxation as well as the great injustice which

exists throughout our entire system of taxation, and wishing to go on record as being in favor of reforming the same I have voted for the bill.

S. W. DEWOLF.

The time having arrived for Special Order No. 2, on motion of Senator Smith of Mitchell, Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend the bill by adding after the word "thereof" as they appear in line 53, Section One, of the printed bill the following: "Not more than two of the appointments of the Board of Railroad Commissioners as herein provided shall belong to the same political party."

Adopted.

Senator Sammis offered the following amendment and moved its adoption:

I move to amend by striking out all following the enacting clause and inserting the following in lieu thereof:

Section 1. There is hereby established a commission which shall be known as the Public Service Commission, the members of which shall be chosen as hereinafter provided, and shall hold office until their successors are appointed, confirmed and qualified, and whose powers and duties shall be as hereinafter prescribed.

Sec. 2. The said commission shall be composed of five (5) members, three (3) of whom shall be the present Railroad Commissioners of Iowa until the expiration of their terms of office, as hereinafter provided. The terms of office of two (2) of said commissioners shall begin July 1, 1909, and continue for six (6) years. The terms of office of the two (2) railroad commissioners which will expire December 31, 1910, are hereby extended to July 1, 1911, and the terms of office of their successors shall begin July 1, 1911, and continue for six (6) years, and the term of office of the Railroad Commissioners which will expire December 31, 1912, is hereby extended to July 1, 1913, and the term of office of his successor shall begin July 1, 1913, and continue for six (6) years. The said commissioners shall meet at the Capitol of the State and organize by electing a chairman, and shall enter upon the performance of their duties on July 1, 1909, and thereafter the Board of Railroad Commissioners shall cease to exist, and its documents, files and records shall be transferred to and be in the custody of the commission hereby created.

Sec. 3. After the approval of this act, and before the adjournment of the Thirty-third General Assembly of Iowa, the Governor shall appoint two (2) competent persons, not members of the same political party, as members of the said commission, whose terms shall begin July 1, 1909, and expire July 1, 1915, and communicate such appointments to the Senate. No nominations shall be considered by the Senate until the same shall have been referred to a committee of five (5) to be appointed by the President of the Senate, without the formality of a motion, not more than three (3) of whom shall belong to the same political party, which committee shall make its report to the Senate in executive session, at any time when called for by the Senate. The consideration of nominations by the Senate shall not be had on the same legislative day the nominations are referred. The appointees shall be voted on separately, and it shall require the concurrence of two-thirds (2-3) of all the members elected to the Senate to confirm any appointment. On the question of confirmation the ayes and noes shall be called and entered in the journal. The Governor shall at the regular session of the Thirty-fourth General Assembly of Iowa appoint two (2) competent persons as the successors of the commissioners whose terms expire July 1, 1911; the Governor shall at the regular session of the Thirty-fifth General Assembly of Iowa appoint one (1) competent person as the successor of the commissioner whose term expires July 1, 1913. Not more than two of the commissioners appointed as the successors of the commissioners whose term expire July 1, 1911, and July 1, 1913 shall be members of the same political party, and thereafter not more than three members of the commission shall be members of the same political party. And at each regular session of the General Assembly thereafter next preceding the expiration of the terms of office of the commissioners nominate their successors as herein provided for the term of six (6) years, and their nominations shall be confirmed in like manner. But if any vacancy occur in the commission, the same shall be filled by the Governor until July 1st, following the

next regular session of the General Assembly, at which session the vacancy shall be filled for the unexpired term.

(a) The Governor may at any time, remove any commissioner for inefficiency, neglect of duty or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix the time when he can be heard in his own defense, which shall not be less than ten (10) days thereafter, and said hearing shall be open to the public. If he shall be removed the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner and his findings thereon with the record of the proceedings.

(b) No commissioner, nor the secretary shall hold any other office or position of profit or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

Sec. 4. The salaries of the commissioners from and after July 1, 1909, shall be three thousand five hundred (\$3,500) dollars per annum, paid in monthly installments, out of any funds in the state treasury not otherwise appropriated.

Sec. 5. The jurisdiction, supervision, powers and duties of the public service commission shall extend under this act to all railroads and inter-urban railroads, express companies, car companies, sleeping car companies, freight and freight line companies, and any common carrier engaged in the transportation of passengers or freight by railroad (except street railroads), and to the persons or corporations owning, leasing, operating or controlling the same; the said commission possessing and exercising all the jurisdiction, supervision, powers and duties in relation thereto that have been conferred by law on the board of railroad commissioners of Iowa, and all other powers now conferred upon said board of railroad commissioners.

Sec. 6. The jurisdiction, supervision, powers and duties of the public service commission shall also extend under this act as hereinafter provided.

1. To all street railroads any portion or all of whose lines lies within the state, and to the person or corporations owning, operating, controlling or leasing said railroads, so far as concerns the construction, maintenance, equipment, terminal facilities and local transportation facilities of said street railroads within the state to the rates of transportation of persons and property thereon, within the state.

2. To such portions of the lines of any other common carrier as lies within the state, except those specifically named in section 5 of this act, and to the persons or corporations, owning, leasing, operating or controlling the same so far as concerns construction, maintenance, equipment, terminal facilities, local transportation facilities and rates of transportation of persons or property within the state.

To the manufacture, accumulation, sale and distribution of gas and electricity or any other medium for lighting, heat or power in said state, and to the persons or corporations, private or municipal, owning, leasing, operating or controlling the same.

4. To telegraphs and telephones, and their lines, offices, exchanges, and equipments within the state, and to the persons or corporations, private or municipal, owning, leasing, operating or controlling the same.

5. To water-works plants and the distribution and sale of water, and the sources of supply thereof, and to the persons or corporations, private or municipal, owning, leasing, operating or controlling the same; and to all other public utilities, as hereinafter defined, and to the persons or corporations, private or municipal, owning, leasing, operating or controlling the same.

Sec. 7. The principal office of the commission shall be at the capitol of the state, and the executive council shall provide offices for the commission and its employees, and agents either in the capitol building or some other suitable place. The commission shall hold stated meetings at least once each month during the year at its principal office, which office shall be open for the transaction of business each working day. It shall have an official seal, and be supplied with all necessary books, maps, charts, stationery, office furniture, telephones and other necessary appliances, to be secured and paid for in the same manner that similar supplies to other offices and commissioners are provided.

Sec. 8. The commission shall have the power to appoint as counsel thereto an attorney and counsellor at law of the State of Iowa, who shall hold office during the pleasure of the commission. The commission shall appoint a secretary to hold office during its pleasure, and whose duties shall be prescribed by the commission, and the commission shall also have power to employ during its pleasure such officers, clerks, inspectors, experts and employes, as may be necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission; provided, however, that the number of employes and compensation of each, including counsel and secretary shall be fixed by the commission upon approval of the executive council. Each commissioner and each person appointed to office by the commission, shall, before entering upon the discharge of his duties, take and subscribe the constitutional oath of office. No person shall be eligible for appointment to the commission or shall hold the office of commissioner, or be appointed by the commission to hold any office or position under the commission, who holds any official relation to any common carrier, or other public utility or own stocks or bonds therein, over which the commission has any jurisdiction. Neither any commissioner, nor any agent nor employes of the commission, shall solicit, suggest, request or recommend, directly or indirectly, to any person or corporation owning, leasing, operating or controlling any public utility under the jurisdiction of the commission, the appointment of any person to any office, place, position or employment, with any such utility.

Sec. 9. Any member, officer, or employee of the commission who solicits or otherwise exercises his influence, directly or indirectly, to induce other members, officers or employes of the state or commission to adopt his political views, or to favor any particular person or candidate for office, or who shall in any manner contribute money or other

thing of value to any person for election purposes shall be removed from his office or position by the proper authorities.

Sec. 10. Any person who demands or solicits from any member, officer or employes of the commission, any appropriations or money or other thing of value for election purposes, or for the payment of expenses of any political committee or organization, shall be deemed to be guilty of a misdemeanor, and shall be punished accordingly.

Sec. 11. A majority of the commissioners, shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold meetings of the commission at any time or place within the state. Any investigation, inquiry or hearing which the commission has power to undertake or hold may be undertaken or held before any commissioner. All investigations, injuries, hearings and decisions, of the commissioners shall be and be deemed to be the investigations, inquiries, hearings and decisions of the commission and every order made by the commissioner, when approved and confirmed by the commission, and ordered filed in its office, shall be and be deemed to be the order of the commission.

Sec. 12. All proceedings of the commission, and all documents and records in its possession, shall be public records, and the commission shall make an annual report to the Governor to correspond with the date of the report required of the present railroad commission, which shall contain copies of all orders issued by it, and any information in the possession of the commission which it shall deem of value to the people of the state. And either the Governor or the General Assembly may call upon the commission for any information which may be desired in relation to the conduct of its business. The commission shall also make a financial report to the executive council as provided in section 163-2 of the Supplement to the Code, 1907, which shall be published by the executive council as provided in section 163-b of said Supplement to the Code.

Sec. 13. The commission shall have the same power to subpoena and compel the attendance and testimony of witnesses, and the production of books, papers, records and documents, as courts of record, and witnesses shall be paid the same fees as for attendance thereat, and shall be subject to the same penalty for failure to obey subpoenas. All hearings before the commission or commissioners shall be governed by rules to be adopted and promulgated by the commission. No person shall be excused from testifying or producing any books or papers in any investigation or inquiry or upon the hearing before the commission or any commissioner, when ordered to do so by the commission, upon the ground that the testimony, evidence, books or documents produced by him may tend to incriminate him or subject him to a penalty or forfeiture, or expose him to public ignominy; and no person shall be prosecuted, punished, or be subject to any penalty or forfeiture or on account of any act, transaction, matter or thing concerning which he shall have, under oath, testified or produced documentary evidence; provided however, that no person testifying shall be exempt from

prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving unto any corporation any immunity of any kind.

Sec. 14. The commission shall have power to investigate and ascertain from time to time the quality of gas, electricity, or water, or other medium for furnishing light, heat or power; or street car service or water service, or service of any other public utility as herein defined supplied by persons, corporations or municipalities, examine the methods employed by such persons, corporations or municipalities in manufacturing, accumulating and supplying gas, electricity, water, or other medium for furnishing light, heat or power, and in transmitting the same, and in furnishing street car service, or water service, or service of any other public utility as herein defined. And shall have power to order such improvements in quality or service and such extensions as will best promote the public interests, preserve the public health, and protect those using such gas, electricity, water, or other medium for furnishing heat, light, or power, or street car service, or service of other public utilities as herein defined; and those employed in the manufacture and distribution thereof, or in the maintenance and operation of the works and systems maintained in connection therewith.

Sec. 15. It shall be the duty of the person or persons owning, managing or controlling any public utility coming within the provisions of this act to file with the commission within ninety (90) days after the taking effect of this act, schedules showing the tariffs, rates, tolls, and charges within the state, for all commodities or services furnished the public and shall also file with the commission a copy of its articles of incorporation, and a copy of each franchise held or claimed to be held and exercised by it.

Sec. 16. The commission shall have the power in its discretion to prescribe uniform methods of keeping accounts, records and books for each public utility under its jurisdiction to be observed by the persons, corporations and municipalities engaged in carrying on the same.

Sec. 17. The commission shall require every person, corporation or municipality under its supervision to submit to it an annual report verified by the oath of the president, treasurer or general manager or other proper officer thereof, setting forth, in detail,

1. The amount of its authorized capital stock, and the amount thereof issued and outstanding.

2. The amount of its bonded indebtedness, and the amount of its bonds and other form of indebtedness issued and outstanding.

3. Its receipts and expenditures during the preceding year.

4. The amount paid as dividends upon its stocks and interest upon its bonds.

5. The amount paid as salaries to its officers, and the amount paid as wages to its employees.

6. The location of its plant or plants and systems, with a full description of its property and all other facts or information pertaining

to the operation and maintenance of the plant and system, and the affairs of such person or corporation engaged in such business that may be required by the commission; such report shall be in the form to cover the period and be submitted at the time prescribed by the commission.

7. The commission may from time to time make changes and additions to such forms, giving to persons, corporations and municipalities six (6) months notice before the time fixed by the commission as the expiration of the fiscal year, of any changes or additions which would require any alteration or change of the method of keeping accounts for the ensuing year. When any such report is defective or believed to be erroneous, the commission shall notify the persons, corporations, or municipalities making such report, to amend the same within thirty (30) days. The commission may extend the time herein fixed for cause shown.

Sec. 18. The commission shall appoint inspectors for gas, electricity, and water meters, and meters for measuring any other medium for furnishing light, heat and power, or other commodity furnished to the public by the public utilities under its jurisdiction, whose duty it shall be, when required, to inspect, examine, prove and ascertain the accuracy of any and all such meters used or intended to be used, and when found to be or made to be corrected, the inspector shall stamp or mark and seal all such meters, and each of them with some suitable stamp or device and seal, which device and seal shall be recorded in the office of the commission. The commission shall have the power to provide for the inspection, testing and proving of all meters, and for stamping and sealing meters which have been inspected and approved, and to establish the fees therefor. Every person or corporation furnishing gas, electricity or water shall provide and keep in and upon its premises suitable apparatus to be approved and stamped or marked by the inspector of the commission for testing and proving the accuracy of gas, electricity and water meters furnished for use by it, and by which apparatus every meter may and shall be tested on the written request of the consumer to whom the meter shall be furnished, in his presence, or in the presence of his agent, if he so desires. If any consumer to whom a meter may be furnished shall request the commission, in writing, to inspect such meter, the commission shall have the same inspected and tested and if the same on being so tested shall be found to be defective or incorrect, within such limits as shall be fixed by the commission by rule adopted and promulgated, to the prejudice of the consumer, the inspector shall order the gas, electric, or water corporation forthwith to remove the same, and to replace instead thereof a correct meter, and the expense of such inspection and test shall be borne by the corporation; if the same on being so tested shall be found to be slow or correct within the limits prescribed by the commission, the expense of such inspection and test shall be borne by the consumer.

Sec. 19. Any person, or private or municipal corporation, under the jurisdiction of the commission may issue stocks, bonds, notes, warrants, or other evidences of indebtedness, payable in periods of more

than twelve (12) months after the date thereof, when necessary, for the acquisition of property, the construction, completion, extension or improvement of its plant or distributing system, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its lawful obligations, providing, and not otherwise, that there shall have been secured from the commission an order authorizing such issue, and the amount thereof, and stating that in the opinion of the commission the use of the capital to be secured by the issue of such stock, bonds, notes, warrants or other evidence of indebtedness, is reasonably required for the said purposes of the corporation. But this provision shall not apply to nor affect any lawful issue of stock to the lawful execution and delivery of any mortgage or to the lawful issue of bonds thereunder which shall have been authorized or issued according to law before the taking effect of this act. For the purpose of enabling the commission to determine whether or not it shall issue such an order, the commission shall make such inquiry or investigation, hold such meetings, and examine such witnesses, books and papers, documents or contracts as it may deem of importance in enabling it to reach a determination, but such person, corporation and municipal corporation may issue notes or other evidences of indebtedness for proper corporate purposes not in violation of any provision of this or any other law, payable at periods of not more than twelve (12) months without such consent. Such note or other evidence of indebtedness shall not, in whole or in part, directly or indirectly, be refunded by any issue of stock or bonds or any other evidence of indebtedness running for more than twelve (12) months without the consent of the commission.

Sec. 20. The commission may institute action upon its own volition or upon being served with a certified copy of a resolution adopted by the council of any city or town in the state, including those acting under special charter and on commission plan, in which any person or corporation or municipality is authorized to manufacture, sell or supply gas or electricity or any other medium for heat, light or power, or to supply water, or telegraph or telephone or street car service, or other service or commodity as a public utility, or upon complaint in writing of not less than one hundred (100) customers or patrons of such public utility, either as to the means, quality or efficiency, of service, or rates or price of the commodity or service furnished and delivered in such municipality, by any person, corporation or municipal corporation, and the commission shall investigate as to the cause of such complaint. When such complaint is made the commission shall by its agents, experts and inspectors examine and inspect the works, system, plant and the methods used by such person or corporation or municipal corporation in accumulating, manufacturing, transmitting and supplying such commodity or service, and may examine, or cause to be examined, the books and papers of such person, corporation, or municipal corporation pertaining to the manufacture, accumulation, sale, transmission and supplies of such commodity or service. The form and contents of complaints as made and provided for in this section shall be as pro-

vided by the commission. Such complaint when made by the consumers or patrons shall be signed by them, who must add to their signatures their place of residence, by street and number, if any.

Sec. 21. Before proceeding under a complaint as provided in the preceding section, the commission shall cause notice of such complaint and the purpose thereof, to be served upon the person, corporation or municipality affected thereby, together with a copy of said complaint, with the names attached thereto. Such person, corporation or municipality shall have an opportunity to be heard in respect to the matters complained of, at a time and place to be specified in such notice. After such investigation as may have been made the commission, its officers, agents, examiners or inspectors, and after hearing, the commission may, by order, fix the reasonable price of gas or electricity or any other medium for furnishing heat, light or power, or of water, or telegraph, or telephone, or street car service, or other service or commodity furnished as a public utility, to be charged by such person or private or municipal corporation; or may order such improvement in the accumulation, manufacture, supply, transmission or distribution thereof, or in the service or methods employed by such person, corporation or municipality as, in its judgment, will improve the same. The price so fixed by the commission shall be the price to be charged by the person, corporation or municipality for gas, electricity, or other medium for heat, light or power, or water, or telegraph, or telephone, or street car service or commodity, furnished as a public utility, until the commission shall upon complaint as provided for in this section, again fix the price thereof, unless suspended or set aside by a court of competent jurisdiction. In determining the price to be charged for any such commodity or service the commission may consider all facts which in its judgment have any bearing upon the proper determination of the question although not set out in the complaint and not within the allegations therein, and shall provide rates sufficient to pay a reasonable return to the owners on their investment after the charging off, in all cases, of reasonable depreciation, sufficient over and above the expense of maintenance to keep the property in a state of efficiency corresponding with the progress of industry. Any income from the investment of the depreciation fund shall be carried therein. Said fund and the proceeds thereof shall be used for no other purpose than depreciation as provided in this section.

The rates, service, regulations, practices and methods of measurements fixed by the commission shall be just and reasonable, and not be unjustly discriminatory, nor such as to allow unfair competition. Any public utility may, at any time, by complaint in writing, invoke the action of the commission as to matters within the jurisdiction of the commission affecting such public utility, and an investigation shall be made, and a hearing had thereon, and the matter determined as provided in this act.

When any complaint is made by any public utility, as herein provided, the commission shall cause notice thereof to be served on the mayor of the city or town wherein said public utility is located, or has its principal office for the conduct of its business.

The commission may enforce its orders and appropriate action in the courts, and may, in its discretion, intervene in actions where the public interest requires it.

Sec. 22. The commission may, in its discretion, upon application of either party to the proceeding, grant a rehearing and in such event, and in case any order of the commission is brought in question before any court of competent jurisdiction, the person, corporation or municipality conducting the public utility affected by said order shall not be required to comply therewith until there shall be a final adjudication upon the questions involved, provided such utility gives a good and sufficient bond guaranteeing such compliance in case the order shall be held to be legal and valid.

Sec. 23. Every order of this commission shall be paid upon the person or corporation conducting a utility to be affected thereby, either by personal delivery of a certified copy thereof or by mailing a certified copy thereof in a sealed package, with postage prepaid, to his proper postoffice address; or, in case of a corporation, or any officer or agents thereof, upon whom an original notice might be served in a civil action. It shall be the duty of every person or corporation or municipality to notify the commission forthwith, in writing of the receipt of the certified copy of every order so served, and in case of a corporation such notice must be signed by a person or officer duly authorized by it to admit such service, and every person, corporation and municipality upon whom it is served, must within thirty (30) days, if so required by the order, notify the commission in like manner whether or not the terms of the order are accepted and will be obeyed. Every order of the commission shall take effect at the time therein specified, except as otherwise provided, and shall continue in force for the period therein designated, unless earlier modified or abrogated by the commission, or suspended by an order of court, or unless such order is unauthorized by this or any other act, or be in violation of the constitution of the state or the United States.

Sec. 24. All actions and proceedings under this act, and all actions and proceedings commenced and prosecuted by order of the commission, and all actions and proceedings in which either the commission or the people of the State of Iowa may be parties, and in which any question arises under this act, or under or concerning any order or action of the commission, shall be preferred over all other civil causes in all courts of the state, and shall be heard and determined in preference to all other civil business pending therein, irrespective of position on the calendar. The same preference shall be granted upon application of counsel of the commission in any action of proceeding in which it may be allowed to intervene.

Sec. 25. The several public utilities affected by this act shall have the right to exercise the franchises and privileges which they now have, or which may hereafter be granted to them, so long as they comply with the provisions of this act and the orders of the commission not held to be invalid in appropriate judicial proceedings, subject however, to the following provisions: When the period of time for which any franchise heretofore granted has elapsed, such franchise, or any franchise hereafter granted, may at any time be so changed or amended by the municipality which granted the same as to best subserve and protect the public interests. And every municipality shall have power:

1. To determine by ordinance the quality and character of each kind of commodity or service to be furnished or rendered by any public utility furnishing the same within said municipality, and the terms and conditions not inconsistent with this act upon which such public utility shall be permitted to occupy the streets, alleys, bridges and other public places within such municipality. Such ordinance shall be *prima facie* reasonable, but upon complaint by any public utility or other qualified complainants as provided in section 20 of this act, a hearing shall be had as in this act provided, and if the commission shall find such ordinance unreasonable, the same shall be void.

2. To require by ordinance any public utility, to make such additions and extensions to its physical plant within such municipality as shall be reasonable and necessary in the interests of the public, and to designate the location and nature of all such additions and extensions, the time within which the same must be completed, and all conditions under which they must be constructed subject to review, however, as provided in subdivision one of this section.

3. To provide penalties for non-compliance with any ordinance adopted pursuant to the provisions of this section.

4. No ordinance granting a franchise or changing or amending a franchise shall be valid unless the same shall be approved by a majority of the electors of such municipality voting thereon at a general biennial election. Nothing herein shall be construed as depriving any municipality of any power now possessed by it except such as are expressly repealed by, or are inconsistent with, this act.

Sec. 26. No person or corporation, incorporated under the laws of this or any other state, nor any municipal corporation, shall exercise any right or privilege under any franchise granted hereafter, or under any franchise heretofore granted and in force, for the purpose of constructing a new plant, without first having obtained the permission and approval of the commission; before such permission shall be granted a certified copy of the articles of incorporation of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation showing that it has received a franchise from the proper municipal authorities. Whenever any public utility furnishes adequate service and supplies the reasonable wants of the people of the city or community in which it is operating, and complies with the orders of the commission as prescribed, the commission shall not grant to any other public utility the right to compete with said public utility, engaged in similar service, until after a public hearing of all parties interested, and a finding by the commission that public convenience and necessity require such second public utility; and no municipality shall hereafter construct or equip any such plant where there is in operation any such public utility under the jurisdiction of the commission engaged in similar service without first securing from the commission a finding after a public hearing of all parties interested, that public convenience and necessity require such additional public utility, but nothing herein shall be construed to prevent municipalities from acquiring any public utilities in accordance with existing contract. If a certificate of authority is refused, no further proceedings shall be taken before the commission, but

a new application may be made therefor one (1) year after and from the date of such refusal.

Sec. 27. The term "Public Utility" as used in this act shall mean and embrace, in addition to those specifically named in section six (6) of this act, every person, corporation, company, partnership, or association of persons, their lessees, trustees, or receivers appointed by any court whatsoever, or otherwise, in every town or city, including cities acting under special charter and the commission plan, that now or hereafter may own, operate, manage or control any plant or equipment, or any part of a plant or equipment, within the state, for conducting any public utility in section six (6) of this act specifically named. And the term "Public Utility" shall also mean and embrace district telegraph companies and associations, and also elevators and elevator companies, and warehouses and warehouse companies which issue warehouse certificates as provided in Chapter 10, Title 15, of the Code, and amendments thereto; and the persons, corporations, or associations owning, operating, or controlling the same. The word "municipality" and the words "municipal corporations," as used in this act, shall be construed to be identical in meaning, and to mean all cities and towns, and all cities acting under special charters, and all cities acting under the commission plan, in the State of Iowa.

Sec. 28. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated a sufficient amount with which to pay salaries to the commissioners and all its appointees and employes, and for the purpose of carrying out the provisions of this act. The commission shall present to the executive council itemized, verified statements of expenditures, and no warrants shall be drawn therefor except on the approval of the executive council. Such verifications must be made by the person incurring the expense, or having personal knowledge thereof.

Sec. 29. On and after July 1, 1909, the public service commission shall possess and exercise all the powers conferred upon and perform all the duties required of the executive council of the State of Iowa by Chapter seventy-one (71) of the acts of the Thirty-second General Assembly in so far as relates to public service corporations as defined by this act, and on and after said date the executive council shall cease to exercise said powers and perform said duties.

Sec. 30. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding five hundred (\$500) dollars, or imprisonment in the county jail not exceeding thirty (30) days.

Sec. 31. The powers heretofore conferred by the General Assembly on cities and towns, and on cities acting under special charters and under the commission plan, to fix the charges for meters, or to regulate and fix the rates or service of water, gas, electric light, or other public utility, and the period of duration of their franchises, and all other powers heretofore conferred on such cities and towns, which are in conflict with this act, are hereby repealed, but such repeal shall not deprive any person, corporation or municipality of any vested right, nor affect any pending litigation, nor shall any law affecting railroads, interurban railroads, express companies, sleeping car companies, freight and freight line companies or any common carrier engaged in the

transportation of passengers or freight, or any person, corporation or subject over which the board of railroad commissioners has jurisdiction or control be repealed or be modified by this act unless expressly so provided. Nor shall any provision of this act be construed as a modification or repeal of Section 1619 of the Code, 1897.

Sec. 32. No public utility shall either directly or indirectly give or furnish to any person, firm or corporation any free transportation or service or commodity whatever; nor shall the same be sold or furnished to any person, firm, or corporation at a different price than shall be charged others for like service or commodity under substantially similar circumstances and conditions. None of the common carriers named in Section 5 of this act shall give or furnish either directly or indirectly to any member of the commission or to any officer or employe thereof, any free transportation or any free service or things of value whatever.

Sec. 33. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval and publication in the Register and Leader and Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Senator De Armand moved that the further consideration of the bill be postponed until the afternoon session.

Carried.

HOUSE MESSAGES CONSIDERED.

House File No. 495, a bill for an act to amend Sections 1989-A-2, 1898-A-4, 1989-A-5, 1989-A-6, 1989-A-7, 1989-A-8, 1989-A-10, 1989-A-12, 1989-A-13, 1989-A-14, 1989-A-16, 1989-A-18, 1989-A-19, 1989-A-21, 1989-A-22, 1989-A-27, 1989-A-29, 1989-A-32, 1989-A-35, 1989-A-44 of the Supplement to the Code, 1907, and to repeal Sections 1989-A-3, 1989-A-11 and 1989-A-19 of the Supplement to the Code, 1907, and enact substitutes therefor; all relating to the subject of waters, water courses, levees and drains.

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

House File No. 230, a bill for an act to amend Section 2247 of the Code in relation to the levy of a poor tax.

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

Senate File No. 217, a bill for an act to promote the building of permanent roads in the State and providing for the establishment of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assess-

ment and collection of a portion of the cost of same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

Passed on file.

House File No. 2, a bill for an act to repeal Sections Ten Hundred Fifty-six-a Seventeen (1056-a17), Ten Hundred Fifty-six-a Eighteen (1056-a 18), and Ten Hundred Fifty-six-a Twenty-six (1056-a 26), of Chapter Fourteen-c (14-c) of the Supplement Code of Iowa and to enact substitutes therefor, and to amend Sections Ten Hundred Fifty-six-a Nineteen (1056-a 19), Ten Hundred Fifty-six-a Twenty (1056-a 20), Ten Hundred Fifty-six-a Twenty-one (1056-a 21), Ten Hundred Fifty-six-a Twenty-four (1056-a 24), Ten Hundred Fifty-six-a Twenty-five (1056-a 25), Ten Hundred Fifty-six-a Twenty-eight (1056-a 28), Ten Hundred Fifty-six-a Thirty-two (1056-a 32) and Ten Hundred Fifty-six-a Thirty-nine (1056-a 39) of Chapter Fourteen-c (14-c) of the Supplement Code of Iowa all relating to the government of certain cities.

Passed on file.

House File No. 239 a bill for an act to amend Section 2477 of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the Bureau of Labor Statistics.

Passed on file.

House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

Passed on file.

House File No. 265, a bill for an act to repeal Section 1530 of the Supplement to the Code, 1907, and enact a substitute therefor by providing for the delivery to the City Treasurer of so much of the County Road Fund Tax as is collected from property within the incorporated limits of any city.

Passed on file.

Senator Francis filed the following motion:

I move to reconsider the vote by which Senate File No. 285 passed the Senate, and also the vote by which the bill passed to its third reading.

L. E. FRANCIS.

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

THIRD READING OF BILLS.

On motion of Senator Smith of Des Moines, Senate File No. 217, a bill for an act to promote the building of permanent roads in the State and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same and issuing improvement certificates therefor and providing for a tax in aid thereof, was taken up and considered.

Senator Smith of Des Moines moved that the Senate concur in the following House amendments:

Amend Section 1 of Senate File No. 217 by striking out of the third line after the word "provided," the word "highways"; by striking out of line 4 the word "parking" and by inserting before the word "curbing" in line 4 the words, "guttering and"; by striking out after the word "curbing" the comma and inserting in lieu thereof the word "and"; by striking out the comma after the word "paving" and inserting in lieu thereof the word "or"; by striking out the words, "and guttering the same or any part thereof" as they appear in line 4, and inserting in lieu thereof the words, "permanent highways," and by striking out of line 6 of Section 1 the words, "to exceed" and by inserting in lieu thereof the words, "less than."

Also amend by striking from line 4 of Section 6 the following words, "the same as is provided by law."

Also amend by adding the following as Section 13:

Sec. 13. The provisions of this act shall not be applicable, nor shall any levy be made hereunder by the Board of Supervisors, if the levy provided for in Section Fifteen Hundred Thirty (1530) of the Supplement to the Code, 1907, is made by the Board of Supervisors as therein provided.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Balkema, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Ham-mill, Larrabee, Mattes, Maytag, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting—30.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, De Wolf, Dowell, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, McManus, Moon, Parshall, Quigley, Savage, White, Wilson—19.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Proudfoot moved that the Senate do now adjourn.

Senator Adams moved to amend by changing the time for adjournment until 9:00 o'clock A. M. to-morrow.

The amendment was lost.

The motion to adjourn carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

INTRODUCTION OF BILLS.

By Senator Fitchpatrick, Senate File No. 397, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

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

By Senator Fitchpatrick, Senate File No. 398, a bill for an act to repeal the law as it appears in Section Thirty-four Hundred

and Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and enact a substitute therefor relating to the recovery of interest in real estate where spouse failed to join in conveyance or relinquish interest in which right of dower or homestead had attached.

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

By Senator Fitchpatrick, Senate File No. 399, a bill for an act providing for the release or satisfying of recorded mortgages by corporations.

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

PETITIONS AND MEMORIALS.

Senator Seeley presented petition from residents of Henry County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Nichols presented petition from residents of Muscatine County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator De Armand presented petition from residents of Davenport, Iowa, asking that the state relinquish its rights in the estate of Jack Wright, deceased, in favor of the Third Baptist Church (colored) of Davenport.

Referred to Committee on Ways and Means.

Senator Clarkson presented petition from residents of Bussey, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Sammis presented petition from residents of Ida and Cherokee Counties favoring the passage of the bill known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

THIRD READING OF BILLS.

On motion of Senator Francis Senate File No. 285, a bill for an act to repeal Section 1306-E of the Supplement of the Code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof, relating to the same subject, was taken up and considered.

Senator Francis moved to reconsider the vote by which the bill passed the Senate and the vote by which the bill passed to its third reading.

Carried.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 1 of Senate File No. 285 by striking out of the last line thereof the following, "Chapter IV."

Adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Clark, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White—33.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Bruce, Chapman, Clarkson, Cosson, De Wolf, Foley, McCulloch, McManus, Maytag, Parshall, Savage, Stuckslager, Whiting, Wilson—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senate resumed consideration of Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor, relating to the appointment, organization, powers and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor, relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended.

Further consideration of the bill was postponed.

REPORT OF COMMITTEE.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 121, a bill for an act to amend Section fifteen hundred and seventy (1570) of the Supplement to the Code, 1907, to provide for the trimming of hedges and the growing of osage posts, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By adding as Section 2: That said Section be further amended by adding after the comma (,) following the word township in the fifth line of said Section the following: "provided, however, that the owner of said fence may grow on the average three (3) trees to the rod, for posts, on condition that he keep the underbrush to said trees trimmed up to a height of three (3) feet above the height they are required to be trimmed by said Section," and when so amended the bill do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Senator Cosson moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 27, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. D. Roland Martin of Albia, Iowa.

PETITIONS AND MEMORIALS.

Senator Bennett presented petition from the citizens and voters of Adams County favoring the re-submission to the voters of Iowa, of the prohibitory amendment.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Allen of Pocahontas presented remonstrances from residents of Sioux Rapids, Iowa, against the passage of Senate File No. 103, relating to the licensing of itinerant vendors.

Referred to Committee on Pharmacy.

Senator Van Law presented petition from residents of Marshall County favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORT OF COMMITTEE.

Senator Cosson, 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. 300, a bill for an act to amend the

law as it appears in subdivision 1 of Section 2448 of the Supplement to the Code, 1907, relating to statement of consent to the sale of intoxicating liquors, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

GEORGE COSSON,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Bruce, Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and make appropriations therefor, was taken up and considered.

Senator Bruce asked unanimous consent to withdraw the amendment to Section 1, offered by him yesterday.

Consent granted.

Senator Bruce offered the following amendment and moved its adoption:

I move to amend Section 1 by adding the following as paragraph five of Section 1:

5. A committee on state offices, officials, boards, departments and commissions. It shall be the duty of the said committee to fully, carefully and conscientiously investigate the condition and business management, affairs and needs of all state departments commissions, boards and officers and the official acts, doings, transactions, proceedings and needs of all state officials, boards, commissions, heads of departments or departments of any kind. They shall particularly investigate, determine, ascertain and report whether or not good business methods prevail in all such state offices, boards, departments and commissions as aforesaid; whether or not the funds and property of the state are wisely and economically handled and expended; whether or not the force of state employes is larger than necessary; whether or not it would be good business judgment to create more, or abolish or combine state departments or commissions; whether or not the work and services of any state officer or employe are such as to justify either an increase or decrease in salary or compensation; whether or not work required or done in any office or department should

be transferred to any other, and generally to make any and all investigations that in the judgment of the committee may be deemed necessary to enable them to determine and report to the General Assembly what is for the best interests of the people of the state.

Further consideration of the bill was postponed.

On motion of Senator Hunter, House File No. 265, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city was taken up and considered.

Senator Hunter moved that the Senate insist on its amendments to the bill and ask for a conference Committee.

Carried.

On motion of Senator Allen of Pocahontas, Senate File No. 71, a bill for an act providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections Fifteen Hundred Twenty-eight (1528) and Fifteen Hundred Thirty (1530) of the Supplement of the Code, 1907, and enacting substitutes therefor, and repealing Sections Fifteen Hundred Sixty-two (1562) and Fifteen Hundred Sixty-two-a (1562-a) of the Supplement to the Code, 1907, and repealing Sections Fifteen Hundred Sixty-four (1564), Fifteen Hundred Sixty-five (1565) and Five Thousand Twenty-four (5024) of the Code, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Substitute was read for information.

Senator Allen of Pocahontas moved that the substitute be substituted for the original bill.

Carried.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, McManus, Moon, Peterson, Sammis, Smith of Mitchell, Stucklagger, Van Law, Whipple, Whiting—29.

The nays were:

Senator Parshall—1.

Absent or not voting:

Senators Allen of Van Buren, Brown, Foley, Frudden, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Wilson—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Wolf, Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Further consideration of the bill was postponed.

On motion of Senator Moon, Senate File No. 340, a bill for an act amending the law as it appears in Section Twenty-five Hundred Ninety-six-a (2596-a) of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Moon moved the adoption of the following committee amendment:

To amend Section 1, by striking out the comma following the word "purposes" in the fifth line of the printed bill and the following "or to wholesale or retail dealers in drugs."

Amend further by adding to the section the following:

“However, nothing in this act shall be construed to prevent the sale thereof to wholesale or retail dealers in drugs or to superintendents of hospitals.”

Senator Moon offered the following substitute amendment for the last committee amendment:

I move to substitute for the second committee amendment the following:

However, nothing in this act shall be construed to prevent the sale of said drugs to wholesale or retail dealers in drugs and superintendents of hospitals, nor shall said persons last named be required to sign said register provided for herein.

The substitute amendment was adopted.

The amendments as amended were adopted.

Senator Moon moved that the rule be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, McManus, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Smith of Des Moines, Van Law, Whipple, White, Whiting—27.

The nays were:

Senator De Armand.

Absent or not voting:

Senators Allen of Van Buren, Brown, Bruce, Dowell, Foley, Frudden, Gates, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Nichols, Proudfoot, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Wilson—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, House File No. 13, a bill for an act providing for the taxing and collecting of attorneys fees

as a part of the costs in suits on bonds in any proceeding pending in any of the courts in this state, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

On the motion of Senator Francis, House File No. 365, a bill for an act to legalize deed of Osceola County, Iowa, to Edgar Baker for government lots two, three, and four, in Section Ten, in Township One Hundred, North of Range Thirty-nine, West of the 5th P. M., with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—42.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, McCulloch, Mattes, Maytag, Proudfoot, Savage, Wilson—7.

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 herewith asks the recall of the following bill:

Senate File No. 334, a bill for an act to amend the law as it appears in Section 3305, Supplement of the Code, 1907, relative to the time of granting administration.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended.

Senator Sammis offered the following amendment to the amendment offered by him yesterday.

I move to amend the amendment by adding to Section 21 the following:

Nothing in this act shall be held or construed to deprive any person, firm, corporation, or municipal corporation, of any remedy now or hereafter available to them in any court, either of law or equity, and any person, firm, or corporation injured by any order of the commission, or by failure to enforce the same, or any municipality wherein any utility is furnishing any service or commodity, may apply to any court of competent jurisdiction for an enforcement of such order or the annulment thereof.

And to amend Section 29 by adding thereto the following:

And nothing in this act shall be construed as modifying or repealing said Chapter 71, of the acts of the Thirty-second General Assembly.

And by inserting in line 4, of Section 31 after the word "utility" the words, "after a franchise has been granted and accepted."

Senator Van Law moved that further consideration of the bill be postponed and that it be made a special order for 1:30 o'clock P. M. Monday, with the bills included in Special Order No. 1.

Carried.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT—Your committee on Military, to whom was referred House File No. 452, a bill for an act to amend Section four hundred thirty (430) of the Code relative to dependent soldiers' and sailors' tax, beg leave to report they have had the same under consideration and recommend the same do pass.

J. D. BROWN,
Chairman.

Ordered passed on file.

Senator Cosson, 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. 330, a bill for an act to amend Section 2448 of the Supplement to the Code, 1907, relating to the sale of intoxicating liquors, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title by inserting after the word "amend" in the first line thereof the words "the law as it appears in."

Amend Section 1 by inserting after the word "that" in the first line thereof the words "the law as it appears in," and when so amended the bill do pass.

GEORGE COSSON,
Chairman.

Ordered passed on file.

On request of Senator Balkema leave of absence was granted Senator Proudfoot until Monday.

REPORTS OF COMMITTEES.

Senator Seeley, from the Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 29, a bill for an act to amend Section five hundred and ninety-one (591) of the Code relating to the compensa-

tion of township clerks, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 29.

A Bill for an Act to Amend Section Five Hundred and Ninety-one (591) of the Code Relating to Compensation of Township Clerks.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section five hundred and ninety-one (591) of the Code be amended by adding to subdivision one (1): "except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be three dollars (\$3.00) per day," and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 31, a bill for an act to amend Section five hundred and ninety (590) of the Code relating to the compensation of township trustees, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 31.

A Bill for an Act to Amend Section Five Hundred and Ninety (590) of the Code Relating to Compensation of Township Trustees.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section five hundred and ninety (590) of the Code be amended by adding to subdivision one (1): "except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be three dollars \$3.00) per day," and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 50, a bill for an act to amend Section 592 of the Code relating to the compensation of township assessors, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR HOUSE FILE NO. 30.

A Bill for an Act to Amend Section Five Hundred and Ninety-two (592) of the Code Relating to the Compensation of Township Assessors.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section five hundred and ninety-two of the Code is hereby amended so as to read as follows:

"Each township assessor shall receive in full for all services required of him by law, a sum to be paid out of the county treasury, and fixed annually by the board of supervisors at their January session; said compensation shall be for the succeeding year, and shall not exceed the sum of two and one-half dollars (\$2.50) for each day of eight hours which said board determines may necessarily be required in the discharge of all official duties of such assessors, except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be four dollars (\$4.00) per day," and when so amended the bill do pass.

W. B. SEELEY,

Chairman.

Substitute read first and second time and passed on file.

Senator Peterson, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 388, a bill for an act providing a method of nominating candidates for certain offices in cities of the first and second class, and those acting under special charters, and repealing Section ten hundred eighty-seven-a-thirty-four (1087-a-34) of the Supplement to the Code of 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

C. F. PETERSON,

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred Senate File No. 297, a bill for an act to amend the law as it appears in Section ten hundred ninety (1090) of the Code, relating to the formation of election precincts, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

A Bill for an Act to Amend Section Ten Hundred and Ninety (1090) of the Code, Relating to the Formation of Election Precincts.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section ten hundred and ninety (1090) of the Code be amended by striking out the period (.) after the word "thereof" in

line thirteen (13) and substituting a comma (,) therefor and adding after such comma (,) the following:

"Except that where an incorporated town embraces within its limits territory situated in different townships of any county, the board of supervisors may, for the convenience of the electors, constitute such town and, if desired, additional territory thereto abutting, into an election precinct. The board of supervisors in the order establishing such precinct shall define its boundaries and may change same if in their judgment occasion arises. In such cases, separate ballots and ballot boxes shall be provided for voting for township officers, only," and when so amended the bill do pass.

C. F. PETERSON,

Chairman.

Substitute read first and second time and passed on file.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred House File No. 341, a bill for an act to amend Section ten hundred and seventy-six (1076) of the Supplement to the Code, 1907, defining what shall constitute a calendar day, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. F. PETERSON,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Elections, to whom was referred House File No. 201, a bill for an act to repeal Section ten hundred ninety-one (1091) of the Code, relative to polling places for country precincts and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. F. PETERSON,

Chairman.

Ordered passed on file.

INTRODUCTION OF BILLS.

By the Judiciary Committee, Senate File 400, a bill for an act in relation to the payment of certain debts by prostitutes, prohibiting the payment of certain debts by labor of prostitutes, and providing for the punishment for the violation of its provisions.

Read first and second time and placed on Calendar.

By Senator Fitchpatrick, Senate File No. 401:

A Bill for an Act to Legalize the Acts of the City Council and Mayor of the City of Ames, Iowa, in Contracting an Indebtedness During the Five Years Immediately Preceding the Passage of This Act in Excess of the Statutory Limit of One and One-fourth Per Cent. for the Erecting, Maintaining and Operating an Electric Light and Power Plant and Water-works system and Other Purposes and not Exceeding the Five Per Cent. Constitutional Limit of the Actual Value of the Taxable Property in Said City.

WHEREAS, The City Council of Ames, Iowa, has during the last five years contracted indebtedness for the erecting, maintaining and operating a water-works system and an electric light and power plant and other purposes in excess of the statutory limit of one and one-fourth per cent. without submitting such question to the qualified electors of such city at a general or special election; and,

WHEREAS. The said excess indebtedness does not exceed the five per cent. constitutional limit; and,

WHEREAS, Doubts have arisen as to the legality of such indebtedness, therefore,

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the acts of the city council of Ames, Iowa, during the five years immediately preceding the passage of this act, in contracting indebtedness over and above the statutory limit of one and one-fourth per cent. but within the constitutional provision of five per cent. for the purpose of erecting, maintaining and operating a water system and an electric light and power plant and other purposes are hereby legalized and the same are declared to be valid and binding the same as though the law had in all respects been complied with.

SEC. 2. Nothing in this act shall affect any pending litigation.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after the publication in the Register and Leader, newspapers published at Des Moines, Iowa, and the Ames Intelligencer, a newspaper published at Ames, Iowa, without expense to the State.

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

HOUSE MESSAGES CONSIDERED.

Senate File No. 334, a bill for an act to amend Section Thirty-three Hundred and Five (3305) Supplement to the Code, 1907, relative to the time of granting administration.

Senator Saunders moved that the request of the House for the return of Senate File No. 334 be granted.

Carried.

Senator Saunders offered the following resolution, which was laid over under the rules:

Resolved, That the President of the Senate shall appoint a Sifting Committee, to consist of seven members, to which shall be referred all bills, except appropriation bills, and that thereafter no bills except appropriation bills, shall be considered unless reported by said committee.

The President announced as Conference Committee on part of the Senate on House File No. 265, Senators Allen of Pocahontas, Hammill, Hunter and Whiting.

The President announced that he had signed in the presence of the Senate, House File Nos. 278, 71, 221, 223, 313, 355, and 352.

REPORT OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 495, a bill for an act relating to the subject of waters, water-courses, levees, drains and drainage districts, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Agriculture.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Agriculture.

Senator Sammis moved that the Senate adjourn until 10:00 o'clock A. M., Monday.

Senator Smith of Mitchell moved to amend by changing the time to 1:30 o'clock P. M. Monday.

Senator Nichols moved to amend the amendment by changing the time to 1:30 o'clock P. M., today.

Senator Bruce moved as a substitute for the amendments and the motion that the Senate adjourn until 9:00 o'clock A. M., Monday.

The substitute amendment carried.

The motion as amended carried.

Senate adjourned until 9:00 o'clock A. M., Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 29, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. L. B. Carpenter of Des Moines, Iowa.

On request of Senator Burgess leave of absence was granted Senator Taylor until to-morrow.

On request of Senator Burgess leave of absence was granted Senator Gates until Tuesday morning.

On request of Senator Chapman leave of absence was granted Senator Francis until to-morrow.

On request of Senator Chapman leave of absence was granted Senator Clarkson for the day.

On request of Senator Peterson leave of absence was granted Senator Moon for the day.

On request of Senator Balkema leave of absence was granted Senator Proudfoot until this afternoon.

PETITIONS AND MEMORIALS.

Senator Hammill presented petition from shippers and producers of Hampton, Iowa, favoring the passage of Senate File No. 38, creating the office of Commerce Counsel.

Referred to Committee on Railroads.

Senator Saunders presented petition from merchants and taxpayers of Council Bluffs, Iowa, favoring the passage of the wage exemption bill.

Referred to Committee on Commerce and Retail Trade.

Senator Saunders presented two petitions from citizens of Oakland, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 290, a bill for an act amendatory of and additional to Chapter 15, Title 12 of the Code and Supplement to the Code, relative to the care and propagation of fish.

C. R. BENEDICT,
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. 273, a bill for an act to amend Chapter one hundred twelve (112) of the Acts of the Thirtieth General Assembly and provide for the collection of certificates of deposit, promissory notes, and other demands owned by deceased inmates of state institutions and to provide for the sale of the personal effects of such deceased inmates, and the disposition of the money so received.

C. R. BENEDICT,
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. 296, a bill for an act to repeal Sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), twenty-five hundred sixty-three-g (2563-g), twenty-five hundred sixty-three-h (2563-h), of the Supplement to the Code, 1907, and to enact in lieu thereof the following, relating to protection of game.

C. R. BENEDICT,
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. 228, a bill for an act making an appropriation to the State Historical Society of Iowa.

C. R. BENEDICT,
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. 314, a bill for an act to amend Sections eight hundred forty-nine-a (849-a), eight hundred forty-nine-b (849-b), eight hundred forty-nine-e (849-e), eight hundred forty-nine-f (849-f), eight hundred forty-nine-g (849-g) and eight hundred forty-nine-h (849-h) of the Supplement to the Code, 1907, relating to the protection of city and town property from floods.

C. R. BENEDICT,
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. 483, a bill for an act to repeal Sections one thousand eight hundred forty-six (1846), one thousand eight hundred forty-seven (1847), one thousand eight hundred forty-nine (1849), one thousand eight hundred fifty-one (1851), one thousand eight hundred fifty-two (1852), one thousand eight hundred fifty-three (1853), one thousand eight hundred fifty-four (1854), one thousand eight hundred fifty-six (1856), one thousand eight hundred fifty-seven (1857), one thousand eight hundred sixty (1860), one thousand eight hundred sixty-seven (1867), one thousand eight hundred forty-five (1845), one thousand eight hundred sixty-six (1866), and one thousand eight hundred seventy-two (1872), of the Code, and Sections one thousand eight hundred forty-eight (1848), one thousand eight hundred fifty (1850), one thousand eight hundred fifty-a (1850-a), one thousand eight hundred sixty-nine (1869), one thousand eight hundred seventy-one (1871), one thousand eight hundred fifty-five (1855), and one thousand eight hundred seventy-three (1873) of the Supplement to the Code, nineteen hundred seven (1907), and to enact a substitute therefor, all relating to banks and banking.

C. R. BENEDICT,
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. 285, a bill for an act making an appropriation of two hundred dollars (\$200) to reimburse Company A, Fifty-sixth (56th) infantry, Iowa National Guard, for money paid by it to Robert Mann as damages resulting from the accidental killing by said company of a horse belonging to said Robert Mann.

C. R. BENEDICT,
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. 87, a bill for an act to repeal the law as it appears in Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907, relating to farmers' institutes and to enact a substitute therefor.

C. R. BENEDICT,
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. 23, a bill for an act to amend the law as it appears in Section twenty-one hundred and sixteen (2116) of the Supplement to the Code, 1907, relating to the duty of railways to furnish transportation.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 290, a bill for an act amendatory of and additional to Chapter Fifteen (15), Title Twelve (XII) of the Code and Supplement to the Code, relative to the care and propagation of fish.

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

House File No. 273, a bill for an act to authorize the Commandant of the Soldiers' Home to sell effects of deceased soldiers.

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

House File No. 296, a bill for an act to repeal Sections Twenty-five Hundred and Sixty-three-A (2563-A), Twenty-five Hundred and Sixty-three-B (2563-B), Twenty-five Hundred Sixty-three-C (2563-C), Twenty-five Hundred Sixty-three-D (2563-D), Twenty-

five Hundred Sixty-three-E (2563-E), Twenty-five Hundred Sixty-three-F (2563-F) and Twenty-five Hundred Sixty-three-G (2563-G), Twenty-five Hundred Sixty-three-H (2563-H), of the Supplement to the Code, 1907, and to enact in lieu thereof the following, relating to protection of game.

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

House File No. 228, a bill for an act making appropriations to the State Historical Society of Iowa.

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

House File No. 314, a bill for an act to amend Sections Eight Hundred Forty-nine-A (849-A), Eight Hundred Forty-nine-B (849-B), Eight Hundred Forty-nine-C (849-C), Eight Hundred Forty-nine-E (849-e), Eight Hundred Forty-nine-F (849-F), Eight Hundred Forty-nine-G (849-G), and Eight Hundred Forty-nine-H (849-H), of the Supplement to the Code, 1907, relating to the protection of city and town property from floods.

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

House File No. 483, a bill for an act to amend Sections Eighteen Hundred Forty-six (1846), Eighteen Hundred Forty-seven (1847), Eighteen Hundred Forty-nine (1849), Eighteen Hundred Fifty-one (1851), Eighteen Hundred Fifty-two (1852), Eighteen Hundred Fifty-three (1853), Eighteen Hundred Fifty-four (1854), Eighteen Hundred Fifty-six (1856), Eighteen Hundred Fifty-seven (1857), Eighteen Hundred Sixty (1860), Eighteen Hundred Sixty-seven (1867) of the Code, and Sections Eighteen Hundred Forty-eight (1848), Eighteen Hundred Fifty (1850), Eighteen Hundred Fifty-a (1850-a), Eighteen Hundred Sixty-nine (1869, Eighteen Hundred Seventy-one (1871) of the Supplement to the Code, 1907; and to repeal Sections Eighteen Hundred Forty-five (1845), Eighteen Hundred Sixty-six (1866), and Eighteen Hundred Seventy-two (1872) of the Code, and Sections Eighteen Hundred Fifty-five (1855) and Eighteen Hundred Seventy-three (1873) of the Supplement to the Code, 1907, and enact substitutes therefor, relating to banks and banking.

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

House File No. 285, a bill for an act making an appropriation of two hundred dollars (\$200) to reimburse Company A, Fifty-sixth (56th) Infantry, Iowa National Guard, for money paid by it to Robert Mann, as damages resulting from the accidental killing by said company of a horse belonging to said Robert Mann.

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

Substitute for Senate File No. 87, a bill for an act to repeal Section Sixteen Hundred Seventy-five (1675) of the Supplement to the Code and to enact a substitute therefor, relative to Farmers' Institutes.

Passed on file.

Substitute for Senate File No. 23, a bill for an act to amend Section Two Thousand One Hundred Sixteen (2116) of the Code, relating to the duties of railroads as to furnishing transportation.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 362, a bill for an act to repeal Section 1415 of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved the adoption of the following amendment:

By striking from line 3 of Section 1, the words and figures "Section 1415. Apportionment."

Adopted.

The bill was read for information.

Senator Gilliland moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting—27.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, McCulloch, McManus, Maytag, Moon, Proudfoot, Sammis, Savage, Seeley, Stucklager, Taylor, Van Law, Wilson—22.

Senator Gilliland offered the following amendment and moved its adoption:

I move to amend the title by striking out the period following the word "therefor" and inserting a comma in lieu thereof and adding thereto the following: "and to provide for recovery on treasurer's bond of interest or penalty misapplied."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Saunders, Senate File No. 400, a bill for an act in relation to the payment of certain debts by prostitutes: prohibiting the payment of certain debts by labor of prostitutes and providing for the punishment for the violation of its provisions, was taken up and considered.

The bill was read for information.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Saunders, Smith of Mitchell, Stuckslager, Whipple, White—27.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Brown, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, McCulloch, McManus, Moon, Proudfoot, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whiting, Wilson—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Committee on Appropriations, Senate File No. 402.

A Bill for an Act Making Appropriations for the Construction, Repair, Improvement and Contingent Funds for the State Hospitals, Penitentiaries, Industrial Schools, Sanatorium for Treatment of Tuberculosis, Institution for the Feeble-minded, College for the Blind, School for the Deaf, Iowa Soldiers' Home and Iowa Soldiers' Orphans' Home.

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 state treasury, not otherwise appropriated, the sum of five hundred fifteen thousand seven hundred (\$515,700) dollars for the construction, improvement, repair and contingent funds for the state hospitals, penitentiaries, industrial schools, institution for feeble-minded children, college for the blind, school for the deaf, Iowa soldiers' home, Iowa soldiers' orphans' home, and sanatorium for treatment of tuberculosis in sums as hereinafter specified.

SEC. 2. All money appropriated by this act shall be drawn from the state treasury and expended in the manner provided by Chapter eleven-b (11-b) of Title XIII of the Supplement to the Code, 1907. Any balance remaining of any appropriation after the object for which it was made has been accomplished may be expended in the discretion of the board of control of state institutions for any purpose connected with the institution for which the appropriation was made, and the board of control shall report within five days after the convening of the next General Assembly the amount transferred from each fund as provided in this Section

and the amount of unexpended balances in the state treasury December 31, 1910.

SEC. 3. Of the appropriations made by this act, the Iowa Soldiers' Home at Marshalltown shall receive sums as follows:

For additional room for married people	\$ 5,000
For furniture and furnishings	3,000
For improvement of plumbing, heating and lighting system and general repairs	3,000
For new beds	2,000
For tool house and vegetable cellar	2,000

SEC. 4. Of the appropriations made by this act, the Iowa Soldiers' Orphans' Home at Davenport shall receive sums as follows:

For beds	\$ 600
For mattresses	1,800
For dormitory floors	400
For decorating chapel	300
For wagon shed	150
For books and periodicals	300
For connection of city sewer	1,400
For contingent and repair fund	3,000

SEC. 5. Of the appropriations made by this act, the College for the Blind at Vinton shall receive sums as follows:

For gymnasium and equipment	\$12,000
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SEC. 6. Of the appropriations made by this act, the School for the Deaf at Council Bluffs shall receive sums as follows:

For telephone system	\$ 300
For fencing	500
For completing and furnishing assembly hall	2,000
For library and binding	300
For school furniture	300
For painting interior main building	500
For painting school-house and gymnasium	1,000
For walks and grading	500
For contingent and repair fund	3,500

SEC. 7. Of the appropriations made by this act, the Institution for Feeble-minded Children at Glenwood shall receive sums as follows:

For wing for new custodial building	\$40,000
For beds and bedding	3,000
For furniture and furnishings	4,000
For paint and painting	3,500
For contingent and repair	10,000
For railway switch	3,500

SEC. 8. Of the appropriations made by this act, the State Sanatorium for Treatment of Tuberculosis at Oakdale shall receive sums as follows:

For cottage for patients	\$22,500
For cottage for superintendent	5,000
For kitchen, dining room and quarters for help	20,000

For fire protection	4,000
For buildings for poultry	500
For improvement of grounds	1,000
For amusements	200
For books and periodicals	300
For contingent and repair	3,000

SEC. 9. Of the appropriations made by this act, the Industrial School for Boys at Eldora shall receive sums as follows:

For hospital building	\$10,000
For two steam boilers	2,000
For greenhouse and connections	3,000
For ice house	1,600
For lectures, entertainments, etc.	300
For library, books and periodicals	300
For dental fund	600
For agricultural implements	500
For horses, cattle and hogs	1,000
For band and orchestra instruments	200
For furniture and furnishings	1,000
For drain tile	1,000
For fencing	500
For horse barn	3,500
For cow barn	4,000
For granary	2,000
For tunnels, pipe, pipe covering, etc.	15,000
For contingent and repair fund	5,000

SEC. 10. Of the appropriations made by this act, the Industrial School for Girls at Mitchellville shall receive sums as follows:

For cement walks	\$ 1,000
For finishing basement Larrabee cottage	1,500
For furniture and furnishings	1,000
For hot water tank and connection	3,000
For painting, interiors and exteriors	500
For dental fund	400
For chaplain's fund	150
For new greenhouse and equipment	2,000
For contingent and repair	3,000

SEC. 11. Of the appropriations made by this act, the Mt. Pleasant State Hospital shall receive sums as follows:

For furniture and furnishings	\$ 5,000
For patients' library	500
For women's infirmary, additional	3,000
For furniture and furnishings, women's infirmary	3,000
For hydrotherapeutic department, women's infirmary	4,000
For furnishing farmer's lodge	1,500
For food cars	800
For ice plant	12,000
For battery of boilers	5,000
For drain tile	2,000

For fencing	600
For gutters, main building	3,000
For open air pavilion	2,000
For paints and painting	3,000
For kitchen equipment	2,000
For cows	1,000
For horses, wagons and farm implements	1,000
For laundry machinery	1,000
For engine and generator	9,000
For enlarging sewage disposal plant	2,000
For contingent and repair	10,000

SEC. 12. Of the appropriations made by this act, the Independence State Hospital shall receive sums as follows:

For electric wiring	\$ 4,000
For floors and flooring	3,000
For paints and painting	3,000
For new sewer	1,200
For new smokestack	8,000
For new boilers, additional	4,500
For iron-working lathe	750
For re-shingling cow barn	500
For tiling	3,000
For additional water supply	12,000
For additional support fund	7,000
For railway switch	20,000
For contingent and repair	10,000

SEC. 13. Of the appropriations made by this act, the Clarinda State Hospital shall receive sums as follows:

For new boilers and stokers	\$10,000
For rewiring	3,000
For plumbing and fixtures	1,000
For contingent and repair	10,000

SEC. 14. Of the appropriations made by this act, the Cherokee State Hospital shall receive sums as follows:

For fire station and root cellar	\$ 5,000
For painting	2,000
For books, periodicals and newspapers	300
For pictures and picture molding	250
For carpets and rugs	1,000
For contingent and repair	10,000

SEC. 15. Of the appropriations made by this act, the State Penitentiary at Fort Madison shall receive sums as follows:

For transportation of prisoners	\$ 2,000
For cell house	15,000
For contingent and repair	5,000

SEC. 16. Of the appropriations made by this act, the Reformatory at Anamosa shall receive sums as follows:

For two new boilers and appurtenances	\$ 2,000
---------------------------------------------	----------

For wiring and lighting new cell bank	2,000
For derrick supplies	500
For tools for shop and quarry	600
For freight on stone	800
For transportation of discharged prisoners	1,000
For salaries of foremen	10,000
For printing and bindery, additional	2,500
For contingent and repair	5,000

SEC. 17. Of the appropriations made by this act, the sum of fifty thousand (\$50,000) dollars is for the purchase of land for the use of one or more of the state institutions hereinbefore named. The board of control of state institutions shall designate the institution for which land is to be purchased and the amount to be expended for each, and the amounts so determined shall be drawn from the state treasury on vouchers duly executed for each purchase and approved by the chief executive officer of the institution for which purchase was made and by said board of control.

SEC. 18. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate File No. 403.

A Bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to the State University, the sum of twenty-two thousand (\$22,000) dollars, annually hereafter, and the further sum of twenty-five thousand (\$25,000) dollars, annually for two years, for additional support fund; the sum of seventy-five hundred (\$7,500) dollars, annually hereafter, for additional repair and contingent fund; and the sum of fifteen thousand (\$15,000) dollars, annually for two years, for library support.

Said sums to be paid in quarterly installments on order of the Board of Regents, the first installment to be paid July 1, 1909.

There is further appropriated out of any money in the State treasury, not otherwise appropriated, to the State University the sum of ninety thousand (\$90,000) dollars for the following purposes:

For additional boiler equipment, automatic stokers for central heating plant, boiler feed pump, and additional dynamo at hydraulic power station	\$15,000
For purchase of additional land	35,000
For departmental equipment and supplies.....	15,000
For paving, side walks, and improvement of grounds	6,000

For building equipment for buildings now partially equipped,
and for equipment for new law building, and other build-
ings to be erected..... 19,000

The sums mentioned in the last paragraph shall be paid on order of the Board of Regents, but not more than one-half of the entire amount shall be paid before July 1, 1910.

Sec. 2. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to the Iowa State College of Agriculture and Mechanic Arts the sum of fifteen thousand (\$15,000) dollars annually hereafter, and the further sum of twenty-five thousand (\$25,000) dollars, annually for two years, for additional support fund; the sum of thirteen thousand (\$13,000) dollars, annually hereafter, for repairs, minor improvements and contingencies; the sum of twenty-five hundred (\$2,500) dollars, annually hereafter, for the library book fund; the sum of fifteen hundred (\$1,500) dollars, annually hereafter, for the support of the engineering experiment station; the sum of fifteen thousand (\$15,000) dollars, annually for two years, for the support of agricultural experiment station; and the sum of eight thousand (\$8,000) dollars, annually for two years, for agricultural extension work.

Said sums to be paid in quarterly installments on order of the Board of Trustees, the first installment to be paid July 1, 1909.

There is further appropriated out of any money in the State treasury, not otherwise appropriated, to the Iowa State College of Agriculture and Mechanic Arts the sum of one hundred seven thousand five hundred (\$107,500) dollars for the following purposes:

For the equipment of departments.....	\$15,000
For the purchase of pure bred stock.....	5,000
For furnishings and fixtures for the general engineering laboratory	5,000
For furnishings and fixtures for the hall of agriculture	25,000
For side walks and grading.....	7,500
For completing the heating and power plant.....	50,000

The sums mentioned in the last paragraph shall be paid on order of the Board of Trustees of the Iowa State College of Agriculture and Mechanic Arts, but not more than one-half of the entire amount shall be paid before July 1, 1910.

Sec. 3. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to the State Normal School, the sum of ten thousand (\$10,000) dollars, annually hereafter, for the teachers' fund, and the sum of six thousand (\$6,000) dollars, annually hereafter, for the contingent and repair fund.

There is further appropriated out of any money in the State treasury, not otherwise appropriated, to the State Normal School the sum of twenty-seven thousand (\$27,000) dollars for the following purposes:

For the support of library.....	\$10,000
For librarian's salary	10,000

For paving, permanent walks, and improvement of grounds.	5,000
For nurse and hospital support.....	2,000

Said sums to be paid in quarterly installments on order of the Board of Trustees, the first installment to be paid July 1, 1909.

Sec. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate File No. 404.

A Bill for an act providing for the inside finishing and completion of the Historical, Memorial and Art Building, and making an appropriation therefor.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. The Executive Council is hereby authorized, empowered and directed to proceed with the inside finishing and completion of the Historical, Memorial and Art Building, including the refinishing, re-illuminating, removal of the original main entrance, and restoration of the walls affected thereby, the inside finishing and decorations, stairways, and other structural details of the corridors and rotunda, in accordance with the specifications of the architect, also for the purchase of furniture and equipment for the collections of the Historical Department in said building. For these purposes there is hereby appropriated the sum of thirty thousand dollars (\$30,000) to be paid out of the moneys in the State treasury, not otherwise appropriated.

Sec. 2. The Executive Council shall proceed to let the necessary contracts to the lowest responsible bidder in open competition after being duly advertised, (reserving the right to accept any, or all bids.) The person or firm receiving the contract shall execute such bonds as the Executive Council may deem necessary for the faithful performance of said work. All payments shall be 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 Register and Leader and in the Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and placed on the Calendar.

By Committee on Appropriations, Senate File No. 405.

A Bill for an act creating the Capitol Grounds Improvement Commission and defining its duties and making an appropriation therefor.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That the Governor shall, prior to July 1, 1909, appoint three persons who shall constitute a body to be known as the Capitol

Grounds Improvement Commission, whose term of office shall begin on August 1, 1909, and end on December 31, 1910. The Governor shall, in making such appointments, select not more than two of the said persons from the same political party. They shall serve without pay, but shall receive their actual and necessary expenses incurred while in the discharge of the duties of their office. The members of said commission shall meet at the Capitol building in Des Moines, before the first day of September, 1909, and select from their number a chairman.

Sec. 2. The commission shall have power, and it shall be their duty to thoroughly investigate as to the best method and plan for the improvement, extension and beautification of the Capitol grounds. They shall consider methods of parking and landscaping the grounds surrounding the Capitol and shall consider the advisability of purchasing additional ground, as well as any other matters which in their judgment are advisable for improving the exterior surroundings of the Capitol building.

Sec. 3. They shall have power for the purpose of carrying out their work of employing competent persons for the purpose of surveying and landscaping the Capitol grounds and vicinity, and to furnish plans and maps for the proposed improvements. Provided that the expense on account of such persons, together with the expense of the commission, shall not amount to more than three thousand dollars.

Sec. 4. It shall be the duty of this commission to submit a report of their work to the Governor not later than November 1, 1909. Such report shall contain a complete comprehensive plan for the improvement of the Capitol grounds with a full list of all lots and parcels of ground which will have to be purchased for the carrying out of such plans, together with sketches and maps, measurements and elevations clearly showing the improvements proposed. This report shall also contain an estimate as accurate as possible of the cost of purchasing the land included in the report, together with an estimate of the expense of the grading and scraping proposed, which shall be itemized as much as possible.

Sec. 5. For the purpose of carrying out the provisions of this act, expended and shall make to the Governor a verified report containing an itemized statement of moneys disbursed.

Sec. 6. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of three thousand dollars (\$3,000) or so much thereof as may be necessary.

Sec. 7. The Auditor of State is hereby authorized and directed to draw warrants on the State Treasurer on presentation of vouchers signed and approved by the Governor and president of the commission.

Read first and second time and placed on Calendar.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 189, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty-one-a (1661-a) and sixteen hundred seventy-five (1675), Supplement to the Code of 1907, allowing appropriations for a short course in agriculture and domestic science, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 272, a bill for an act providing for the inside finishing and completion of the historical, memorial and art building, and asking an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Nichols, House File No. 357, a bill for an act to repeal the law as it appears in Section Three Thousand One Hundred Forty-one (3141) of the Code and to enact a substitute therefor relating to granting of marriage license by clerk of the district court, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Nichols moved that the substitute be substituted for the original bill.

Carried.

Senator Nichols moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Ar-

mand, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting—31.

The nays were:

None.

Absent or not voting:

Senators Brown, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, McCulloch, McManus, Moon, Proudfoot, Sammis, Saunders, Savage, Taylor, Van Law, Wilson—18.

So the bill, having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Stuckslager, House File No. 473, a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the Acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund, was taken up and considered.

The bill was read for information.

Senator Stuckslager moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Frud-den, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Stuckslager, Whipple, White—27.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, McCulloch, McManus, Moon, Nichols, Parshall, Proudfoot, Sammis, Savage, Taylor, Van Law, Whiting, Wilson—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Stuckslager, Senate File No. 376, a bill for an act to confer additional powers on certain cities organized under Chapter Forty-eight (48) of the Acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under Chapter Two Hundred Ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river front improvement commissions and define their duties; also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith; also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund, was taken up and considered.

The motion filed by Senator Stuckslager to reconsider the vote by which the bill passed the Senate prevailed.

Senator Stuckslager moved that the bill be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

On motion of Senator Hunter, Senate File No. 207, a bill for an act to repeal the law as it appears in Section Sixteen hundred Ninety-nine (1699) of the Code, relating to the investment of funds of insurance companies other than life, organized under Chapter Four (4) of the Code, and to enact a substitute therefor, with report of committee recommending substitute and passage, was taken up, considered and the report of the committee adopted.

Senator Hunter moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Hunter moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Cosson, De Armand, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Parshall, Peterson, Quigley, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple—29.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Clarkson, De Wolf, Dowell, Fitchpatrick, Francis, Gates, McCulloch, McManus, Moon, Nichols, Proudfoot, Saunders, Savage, Taylor, Van Law, White, Whiting, Wilson—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen of Pocahontas offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring, That a joint convention of the two houses of the Thirty-third General Assembly be held in the Hall of the House of Representatives Monday, March 29, at 11:30 A. M. for the purpose of hearing an address by the Honorable Gifford Pinchot.

By unanimous consent the Concurrent Resolution was taken up for consideration.

Senator Allen of Pocahontas moved the adoption of the Concurrent Resolution.

Adopted.

On motion of Seeley, House File No. 300, a bill for an act to amend Section Fifteen Hundred Nine (1509) of the Code and Section Fifteen Hundred Thirty-two-a (1532-a) of the Supplement to the Code, 1907, relative to the power and duties of the Trustees, Board of Regents, and Board of Control in regard to roads and highways in and around lands owned by the State, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Seeley moved that the substitute be substituted for the original bill.

Carried.

Senator Seeley offered the following amendment and moved its adoption.

Amend Section Two by striking out the word "six" in the fourth line and inserting the word "five" in lieu thereof.

Adopted.

The bill was read for information.

Senator Seeley moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Foley, Frudden, Gilliland, Hammill, Hunter, Larrabee, Mattes, Maytag, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, White—26.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Clarkson, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Hoyt, McCulloch, McManus, Moon, Nichols, Parshall, Proudfoot, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—23.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hunter, House File No. 445, a bill for an act to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library bond fund to the judgment fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hunter moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Foley, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Parshall, Peterson, Quigley, Sammis, Saunders, Savage Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, White—30.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Clarkson, De Wolf, Fitchpatrick, Francis, Frudden, Gates, McCulloch, McManus, Moon, Nichols, Proudfoot, Ream, Taylor, Van Law, Whipple, Whiting, Wilson—19.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Dowell moved that House File No. 93 be re-referred to the Committee on Judiciary.

Carried.

On motion of Senator Sammis, Senate File No. 394, a bill for an act to legalize the action of the independent school district of Marcus, Cherokee County, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sammis moved the adoption of the following amendment:

Amend Section 1 by adding thereto the following: "This act shall not affect pending litigation."

Adopted.

Senator Sammis moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Cosson, De Armand, Dowell, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Parshall, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting—32.

The nays were:

None.

Absent or not voting.

Senators Allen of Pocahontas, Brown, Bruce, Clarkson, De Wolf, Fitchpatrick, Francis, Gates, McCulloch, McManus, Moon, Nichols, Proudfoot, Saunders, Taylor, Van Law, Wilson—17.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Clark, Senate File No. 124, a bill for an act to amend Section Twenty-five Hundred and Seventy-eight-a (2578-a) of the Supplement to the Code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners, was taken up and considered.

Senator Clark moved that the Senate concur in the following House amendments:

Amend title by striking out the words "of Iowa after the word "Code" and inserting in lieu thereof the figures "1907."

Also amend by striking out the words "of Iowa" in lines two and three of original bill and inserting in lieu thereof the figures "1907."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Dowell, Frudden, Gilliland, Mammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White.—26.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Brown, Bruce, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, McCulloch, McManus, Moon, Parshall, Proudfoot, Sammis, Saunders, Taylor, Van Law, Whiting, Wilson—23.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Larrabee, Senate File No. 374, a bill for an act to amend Section One Hundred and Twenty-five (125) of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved the adoption of the following amendments:

Sec. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Adopted.

Senator Larrabee moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Bruce, Burgess, Chapman, Clark, De Armand, Dowell, Foley, Frudden, Gilliland, Ham-mill, Hoyt, Larrabee, Nichols, Parshall, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuck-slager, Whipple, White, Whiting—27.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Clark-son, Cosson, De Wolf, Fitchpatrick, Francis, Gates, Hunter, McCul-loch, McManus, Mattes, Maytag, Moon, Proudfoot, Sammis, Saund-ers, Taylor, Van Law, Wilson—22.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

On motion of Senator Larrabee, Senate File No. 373, a bill for an act to amend Section Ten Hundred Fifty-six-a-9 (1056-a-9) of the Supplement to the Code, 1907, relating to the publication of

the State Auditor's report of municipal accounts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, De Armand, Dowell, Foley, Frudden, Gilliland, Hammill, Hoyt, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, White, Whiting—28.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Clarkson, Cosson, De Wolf, Fitchpatrick, Francis, Gates, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Proudfoot, Saunders, Taylor, Van Law, Whipple, Wilson—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 3, a bill for an act to repeal the law as it appears in Section fourteen hundred fifty-seven (1457) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.

Also:

Senate File No. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section Seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right

to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also:

Senate File No. 196, a bill for an act to amend Section forty-eight hundred ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody.

Also:

Senate File No. 198, a bill for an act to create a state board of education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections 2617, 2618, 2619, 2620, 2635, 2636, 2642, 2646, 2647, 2650, 2651, 2652, 2653, 2668, 2669, 2670, 2681 of the Code and the law as it appears in Sections 2727-a-53, 2727-a-54, 2727-a-55, 2727-a-56 of the Supplement to the Code, 1907, and to repeal all acts and parts of acts inconsistent with this act.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Joint Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled, Senate File No. 3, a bill for an act to repeal the law as it appears in Section fourteen hundred fifty-seven (1457) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.

Also:

Senate File No. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section Seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also :

Senate File No. 196, a bill for an act to amend Section forty-eight hundred ninety-eight of the Code, relating to breaking jail and escape of prisoners from custody.

Also :

Senate File No. 198, a bill for an act to create a state board of education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections 2617, 2618, 2619, 2620, 2635, 2636, 2642, 2646, 2647, 2650, 2651, 2652, 2653, 2668, 2669, 2670, 2681 of the Code and the law as it appears in Sections 2727-a-53, 2727-a-54, 2727-a-55, 2727-a-56 of the Supplement to the Code, 1907, and to repeal all acts and parts of acts inconsistent with this act.

Also :

House File No. 2, a bill for an act to repeal Sections ten hundred fifty-six-a-seventeen (1056-a-17), ten hundred fifty-six-a-18 (1056-a-18), ten hundred and fifty-six-a-twenty-one (1056-a-21) and ten hundred fifty-six-a-twenty-six (1056-a-26) of Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, and to enact substitutes therefor, and to amend Sections ten hundred fifty-six-a-nineteen (1056-a-19), ten hundred fifty-six-a-twenty (1056-a-20), ten hundred fifty-six-a-twenty-four (1056-a-24), ten hundred fifty-six-a-twenty-five (1056-a-25), ten hundred fifty-six-a-twenty-eight (1056-a-28), ten hundred fifty-six-a-thirty-two (1056-a-32), and ten hundred fifty-six-a-thirty-nine (1056-a-39) of Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, all relating to the government of certain cities.

Also :

House File No. 138, a bill for an act to provide for feeble-minded men at Glenwood and the maintenance thereof. (Amendatory of Chapter seven (7), Title thirteen (XIII) of the Code relating to the institution for feeble-minded children.)

Also :

House File No. 239, a bill for an act to amend Section twenty-four hundred seventy-seven (2477) of the Supplement to the Code, 1907, relating to compensation and expenses of the department of the bureau of labor statistics.

Also :

House File No. 333, a bill for an act making an appropriation to defray the expenses of the Lincoln program.

Also:

House File No. 381, a bill for an act to legalize the incorporation of the town of Packwood, Jefferson County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

Also:

House File No. 231, a bill for an act making an appropriation for additional improvements at the Iowa State Fair and Exposition grounds.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 105, a bill for an act to amend the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities.

C. R. BENEDICT,
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. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Concurrent Resolution relative to the holding of a joint session of the two Houses Monday, March 29, at 11:30.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Bruce, Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the State Institutions prior to the convening of each regular session, and make appropriations therefor, was taken up and considered.

The amendment to Section One offered by Senator Bruce on Saturday was adopted.

Senator Hoyt moved that the rules be suspended, 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 ayes were:

Senator Adams, Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, De Armand, Dowell, Foley, Frudden, Gilliland, Hammill, Hoyt, Larrabee, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting.—30

The nays were:

None.

Absent or not voting:

Senators Allen, of Pocahontas, Balkema, Brown, Clarkson, Cosson, De Wolf, Fitchpatrick, Francis, Gates, Hunter, McCulloch, McManus, Mattes, Maytag, Moon, Proudfoot, Taylor, Van Law, Wilson.—19.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, Senate File No. 311, a bill for an act to amend the law as it appears in Section Twenty-five Hundred Five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, De Armand, Dowell, Foley, Frudden, Gilliland, Ham-mill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Parshall, Peterson, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, White, Whiting—28.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Clark-son, Cosson, De Wolf, Fitchpatrick, Francis, Gates, McCulloch, McManus, Maytag, Moon, Proudfoot, Ream, Saunders, Taylor, Van Law, Whipple, Wilson—21.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 196, 164, 3 and 198, and House Files Nos. 231, 333, 381, 239, 138, and 2.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submit-ted the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully re-port that they have this day sent to the Governor for his approval, Senate File No. 3, a bill for an act to repeal the law as it appears in Section fourteen hundred fifty-seven (1457) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.

Also:

Senate File No. 196, a bill for an act to amend Section forty-eight hun-dred ninety-eight of the Code, relating to breaking jail and escape of pris-oners from custody.

Also :

Senate File No. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section Seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also :

Senate File No. 198, a bill for an act to create a state board of education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal Sections 2617, 2618, 2619, 2620, 2635, 2636, 2642, 2646, 2647, 2560, 2651, 2652, 2653, 2668, 2669, 2670, 2681 of the Code and the law as it appears in Sections 2727-a-53, 2727-a-54, 2727-a-55, 2727-a-56 of the Supplement to the Code, 1907, and to repeal all acts and parts of acts inconsistent with this act.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF COMMITTEE.

Senator Larrabee, from the Committee on Printing, submitted the following report:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 393, a bill for an act to amend the law as it appears in Section four hundred eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of county auditors, beg leave to report they have had the same under consideration and recommend the same do pass.

FREDERIC LARRABEE,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Dowell, House File No. 159, a bill for an act to repeal Section Eighteen Hundred Twenty (1820) of the Code, relating to limitation of actions, and enacting a substitute therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Amend Section 2 by striking out the words "the same" appearing in line 4, and insert in lieu thereof the words "said notice." Also amend the same section by striking out the figures "30" appearing in line five thereof, and inserting in lieu thereof the figures "60."

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Chapman, Clark, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Parshall, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whiting—30.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Burgess, Clarkson, De Wolf, Francis, Gates, McCulloch, McManus, Maytag, Moon, Peterson, Proudfoot, Saunders, Taylor, Van Law, Whipple, White, Wilson—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

A committee from the House appeared and announced that the House was ready to receive the Senate for the purposes of Joint Convention.

The President announced that the Senate would proceed to the House under the direction of the Sergeant-at-Arms for the purpose of Joint Convention.

Senate proceeded to the House.

JOINT CONVENTION.

Joint Convention called to order, Lieutenant-Governor Clarke presiding.

President Clarke introduced Hon. Gifford Pinchot, who then addressed the Joint Convention.

Senator Allen of Pocahontas moved that the Joint Convention dissolve.

Motion prevailed.

Senate returned from the House.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M., President Clarke presiding.

HOUSE MESSAGES CONSIDERED.

Concurrent Resolution relative to the holding of a joint session of the two houses Monday, March 29th, at 11:30.

Passed on file.

Senate File No. 110, a bill for an act providing for the education of the deaf and blind children at the School for the Deaf and the College for the Blind.

Passed on file.

Senate File No. 105, a bill for act to amend the law as it appears in Section 5028-b of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties for persons found guilty thereof.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Clark Senate File No. 406.

A Bill for an Act to Amend Section Four Thousand Eight Hundred and Eleven (4811) of the Code, Relating to Getting off and on Cars While in Motion, and Providing Punishment Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section four thousand eight hundred and eleven of the Code be amended by striking out the period at the close thereof and substituting a comma therefor and adding thereto the following: "and be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for not more than thirty days."

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

MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the concurrent committee report, receded from its amendment No. 2 and adopted the amendment recommended by the concurrent committee on Senate File No. 7, a bill for an act to repeal Sections 499 and 502 of the Code, relating to the duties and powers of the sheriff and his deputy and to provide for the payment of certain expenses, and to enact a substitute therefor.

C. R. BENEDICT,
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. 145, a bill for an act to authorize the State of Iowa to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa river, providing for the maintenance thereof and making an appropriation therefor.

C. R. BENEDICT,
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. 15, a bill for an act to repeal Section 481 of the Code, relating to compensation of deputy auditors and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House names as conference committee on House File No. 265, a bill for an act to repeal Section 153-p of the Supplement to the Code, 1907, and enact a substitute therefor by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city: Harding of Woodbury, Hunter of Polk, Balluff of Scott and Brandes of Pottawattamie.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate took up for consideration Special Order No. 1 on Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers, and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven(7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended.

Further consideration of the bill was postponed.

HOUSE MESSAGES CONSIDERED.

Senate File No. 145, a bill for an act to authorize the State of Iowa to co-operate with the City of Marshalltown, in constructing a permanent dam across the Iowa river, providing for the maintenance thereof and making an appropriation therefor.

Passed on file.

Senate File No. 7, a bill for an act to repeal Sections 499 and 502, of the Code, relating to the duties and powers of the sheriff and his deputy, and to provide for the payment of certain expenses, and to enact a substitute therefor.

Passed on file.

House File No. 15, a bill for an act to repeal Section 481 of the Code, relating to compensation of deputy auditors and enacting a substitute therefor.

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

House File No. 265, a bill for an act to repeal Section 1530 of the Supplement to the Code, 1907, and to enact a substitute therefor, providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city.

Passed on file.

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

Senator Hammill moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 30, 1909.

Senate met in regular session at 9:00 o'clock, A. M. President Clarke presiding.

Prayer was offered by the Rev. Charles O'Connor of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Hammill presented petition from residents of Dows, Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Foley presented 2 remonstrances from town council of Nashua, Iowa, and residents of New Hampton, Iowa, against the passage of Senate File No. 366.

Referred to Committee on Railroads.

INTRODUCTION OF BILLS.

By Senator McManus, Senate File No. 407.

A Bill for an act to Legalize the Acts of John Menz as Treasurer of Lee County, by reason of Deposits of County and other Funds in the Commercial Bank of Keokuk, Iowa.

WHEREAS, John Menz, treasurer of Lee County, Iowa, deposited part of the funds of Lee County in the Commercial Bank of Keokuk, by the bankruptcy of which said deposits were lost without any fault on the part of said treasurer, therefore,

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the depositing of funds of Lee County, Iowa, in the Commercial Bank of Keokuk by John Menz as treasurer of said county, be and the same is hereby legalized and validated and shall have the same force and effect as if fully and in every respect authorized by law.

SEC. 2. In Effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Standard, a newspaper published at Keokuk, Iowa, said publications to be without expense to the state.

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

By Committee on Public Health, Senate File No. 408, a bill for an act to create a commission of Public Health, to transfer to said commission the powers, duties, and responsibilities of the State Board of Health, and the secretary thereof, the State Board of Medical Examiners, the State Veterinary Surgeon, the State Board of Veterinary Medical Examiners, the State Food and Dairy Commissioners and the State Board of Examiners in Optometry, to abolish all of said offices, boards and commissions and to transfer to the commission of Public Health, all the powers, duties and responsibilities of the Board of Control of state institutions pertaining to the State Sanatorium for the treatment of tuberculosis and making an appropriation for the maintenance of the commission and department of Public Health.

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

The President announced the following communication, which was read.

To the President of the Senate of the Thirty-third General Assembly:

Pursuant to the instructions in concurrent resolution number nine of the Thirty-second General Assembly, I herein make report as directed.

I have examined and am familiar with the conditions of the public lakes of the State used for boating and fishing and find that in all of them the conditions are such, owing to the filling in of sand in the channels and the growth of weeds in these lakes, that to preserve them for the use of the public, it will be necessary to dredge out the sand and in some manner prevent the growth of weeds, or at least destroy them before they mature. I find that the dredging and deepening of the channels can be done with a sand pump, engine and the necessary boats and barges for its operation, and such outfit can be so constructed that it can be transported by rail to the several lakes where needed and will cost in round figures about thirty-five hundred dollars (\$3,500.00). As to the weeds, I can get no authority for their destruction that I can make any estimate of cost, but in my opinion they can be removed by being dragged out at cost of the labor and the hire of the launches to do the work.

While I am not directed in the resolution so to do, I desire at this time and in connection with this subject to call the attention of the mem-

bers of the Thirty-third General Assembly to the great necessity of legislating in such a manner that all the public lakes of Iowa will be preserved for the future. Many have been drained and but few are left. They are the breathing spots and health resorts of a great many of our people. They are our fishing lakes and breeding places for our wild ducks. They beautify the state, especially the section where they are located. They should be meandered, shore lines definitely stated, dams and dykes built wherever necessary to maintain the water to its proper depth and the sale and drainage of any of the lakes should be prohibited.

Let us protect, preserve and improve and care for them to the best of our ability.

GEO. A. LINCOLN,
Fish and Game Warden.

Passed on file.

REPORTS OF COMMITTEES.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 291, a bill for an act to amend Section four thousand nine hundred and seventy-nine (4979) of the Code, relating to offenses against the public health, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 320, a bill for an act to amend the law as it appears in Section four thousand nine hundred and ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code, nineteen hundred and seven (1907), relating to penalty for violation of the pure food laws, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 153, a bill for an act to establish a laboratory at the Iowa College of Agriculture and Mechanic Arts to manufacture hog cholera serum and tuberculin and make an appropriation therefor, beg

leave to report they have had the same under consideration and recommend the same do pass and be referred to the committee on Appropriations.

E. W. CLARK,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 375, a bill for an act amendatory and additional to paragraph three of Section thirty-five hundred and five (3505) of the Code, providing for change of place of trial in civil actions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 397, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 398, a bill for an act to repeal the law as it appears in Section thirty-four hundred forty-seven-b (3447-b) of the Supplement to the Code, 1907, and enact a substitute therefor relating to the recovery of interest in real estate where spouse failed to join in conveyance or relinquish interest in which right of dower or homestead had attached, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 401, a bill for an act to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent. for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent. constitutional limit of the actual value of the taxable property in said city, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 406, a bill for an act to amend Section four thousand eight hundred and eleven (4811) of the Code, relating to getting off and on cars while in motion, and providing punishment therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 162, a bill for an act to repeal Section one thousand one hundred eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred eighty-eight (1188) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 303, a bill for an act to amend the law as it appears in Section four thousand nine hundred and ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code, 1907, relating to penalty for violation

of the pure food law, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 390, a bill for an act to amend the law as it appears in Section twenty-nine hundred-a-twenty-eight (2900-a-28) of the Supplement to the Code, 1907, relating to islands within the waters of the state, authorizing the executive council to sell same, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 200, a bill for an act providing for the deposit of money in lieu of bond where bonds are required as security for costs, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 395, a bill for an act to legalize certain notices of incorporation, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking out the period at the end thereof and inserting in lieu thereof a comma (,) and add thereto the following: "as to all acts of said corporation from the date of said completed publication," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 427, a bill for an act to amend the law as it appears in Section three hundred fifty-eight (358) of the Code relating to qualifica-

tion of sureties on certain official bonds, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking therefrom all after the colon in line 4 thereof to and including the word "deputies" in line 6 thereof and inserting in lieu thereof the following: "Attorneys at law shall not be accepted as sureties upon any official bonds provided for in this section," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 92, a bill for an act to amend Section five thousand and six (5006) of the Code relating to the sale and use of cigarettes, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 92.

A Bill for an Act to Prohibit the Use of Cigarettes by Minors Under Twenty-one Years of Age, and Providing Penalties Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. It shall be unlawful for any person under the age of twenty-one years to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian.

SEC. 2. Any person found guilty of violating the provisions of Section 1 hereof shall be punished by a fine of not to exceed ten dollars (\$10.00), or imprisonment in the county jail not to exceed three days, for each offense; provided, if said minor person shall give information which may lead to the arrest of the person or persons violating any of the provisions of Section five thousand six (5006) of the Code, and shall give evidence as a witness in the proceedings which may be instituted against said party or parties, the court shall have power to suspend sentence against said minor person, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

Senator Gilliland, 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. 396, a bill for an act to amend the law as it appears

in Section 1056-a-36, etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by changing the words "thirty-fifth" and the figures "35" to "thirty-fourth" and "34."

Amend by striking out the period after the word "elections" and substituting for the capital "S" on the word "so" in the sixth line of the bill a small "s."

Amend by inserting a semicolon for the comma after the word "provided" in the seventh line of the bill.

Amend the official ballot form provided in Section 1 by inserting in front of the lines including the words "the names of candidates," squares and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 380, a bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water-works, gas-works, electric light or electric power plants, and a mode of procedure therefor, and amending Section 722 of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 314, a bill for an act to amend Sections 849-a, 849-b, 849-c, 849-f, 849-g, 849-h of the Supplement to the Code, 1907, relating to the protection of city and town property from floods, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for the insane persons at Clarinda, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words and figures "two thousand five hundred (2500)" in Section 1 and the words and figures "one thousand (1000)" be inserted in lieu thereof, and when so amended the bill do pass.

E. H. HOYT,
Chairman.

Adopted.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 270, a bill for an act to compensate D. N. Guthrie for damages sustained by him by the construction of a dam, by the State of Iowa, across the outlet of Lower Gar Lake, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. H. HOYT,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 257, a bill for an act appropriating the sum of one hundred thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the State of Iowa arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. H. HOYT,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 189, a bill for an act to compensate Jonah Smith for services as chaplain at Camp McKinley for the period from June 24 to September 5, 1898, and to make an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. H. HOYT,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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 adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution relative to the adjournment of the Thirty-third General Assembly.

C. R. BENEDICT,
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. 407, a bill for an act to amend Section 2540 of the Supplement to the Code, 1907, relating to the catching and transportation of fish.

C. R. BENEDICT,
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. 126, a bill for an act providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof.

C. R. BENEDICT,
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. 428, a bill for an act to amend the law as it appears in Section 412, Supplement of the Code, 1907, relating to the meeting of the board of supervisors.

C. R. BENEDICT,
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. 417, a bill for an act to repeal Section 1989-a-42 to the Supplement of the Code, 1907, relative to the duties of the county auditor and to the employment of additional help for county auditors in levee or drainage districts, and to the drainage record and the enactment of a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate substitute amendment in which the concurrence of the House was asked:

House File No. 300, a bill for an act to amend Section 1509 of the code and 1532-a, Supplement to the Code, 1907, relative to the power and duties of the trustees, board of regents and board of control, in regard to roads and highways in and around lands owned by the state.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments in which the concurrence of the House was asked:

House File No. 159, a bill for an act to repeal Section 1820 of the Code, relative to limitations of actions and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments in which the concurrence of the House was asked:

House File No. 357, a bill for an act to amend the law as it appears in Section 3141 of the Code, 1907, relating to granting of marriage license by clerk of the district court.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads, and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended, was taken up and considered.

Senator Sammis offered the following amendment to the amendment offered by him.

I move to amend the amendment by striking out all of Section 32 and inserting the following in lieu thereof:

SEC. 32. No public utility shall directly or indirectly issue, furnish, or give any free ticket, free pass, or free transportation for the carriage or passage of any person within the state, nor furnish or give any free service or commodity, except as hereinafter provided. Nor shall any person accept any free ticket, free pass, free transportation, free service or free commodity, except persons hereinafter described. The words "free ticket," "free pass," "free transportation," "free service" and "free commodity," as used in this act, shall include any ticket, pass, contract, or transportation issued for carriage, or passage, and any commodity or service furnished for any other consideration than money paid in the usual way at the rate, fare, or charge, open to all who desire to purchase. The person to whom free tickets, free passes, free transportation, free service, and free commodities may be issued, furnished, or given, are as follows, to-wit: (a) The officers, agents and employes of the utilities issuing or furnishing the same, whose chief and principal occupation is to render service to such utility; (b) The general officers of any such public utility engaged in the same business; (c) Also, by street railroads in addition to those enumerated in sub-sections (a) and (b) hereof, to policemen and firemen of any city wearing the insignia of their offices, within the limits of any such city, and, also, by any utility in accordance with the provisions of any existing franchise while same remains in force and effect. In any prosecution under this act if it is claimed that a free ticket, free pass, or other transportation, or any free service, or free commodity was wrongfully issued or given to any person it shall be incumbent upon the defendant to prove the character of the service rendered or to be rendered. Sections 2157-h, 2157-i, and 2157-j of the Code Supplement, 1907, shall apply to persons and public utilities, and their officers, agents and employes, with the same force and effect as to common carriers, their officers, agents, or representatives. Nothing herein contained shall be construed as repealing or modifying the provisions contained in Sections 2157-f, 2157-g, 2157-h, 2157-i, and 2157-j, of the Supplement to the Code, 1907.

And by adding after the word "contract" in the 28th line of Section 26 of the printed amendment, the words, "or law."

By unanimous consent further consideration of the bill was postponed.

Senator Chapman asked unanimous consent to have printed 200 extra copies of Senate File No. 317.

Consent granted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 23, a bill for an act to amend the law as it appears in Section twenty-one hundred and sixteen (2116) of the Supplement to the Code, 1907, relating to the duty of railways to furnish transportation.

Also:

Senate File No. 87, a bill for an act to repeal the law as it appears in Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907, relative to farmers' institutes and to enact a substitute herefor.

Also:

Senate File No. 124, a bill for an act to amend Section twenty-five hundred and seventy-eight-a (2578-a) of the Supplement to the Code, 1907, relating to the revocation of certificates by the board of medical examiners.

Also:

Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 23, a bill for an act to amend the law as it appears in Section twenty-one hundred and sixteen (2116) of the Supplement to the Code, 1907, relating to the duty of railways to furnish transportation.

Also:

Senate File No. 87, a bill for an act to repeal the law as it appears in Section sixteen hundred seventy-five (1675) of the Supplement to the

Code, 1907, relative to farmers' institutes and to enact a substitute herefor.

Also:

Senate File No. 124, a bill for an act to amend Section twenty-five hundred and seventy-eight-a (2578-a) of the Supplement to the Code, 1907, relating to the revocation of certificates by the board of medical examiners.

Also:

Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

Senator Mattes, from the Joint Committee on Redistricting of the Judicial Districts, submitted the following report:

To the President of the Senate and the Speaker of the House of Representatives of the Thirty-third General Assembly:

Your committee appointed by resolution of March 17 to investigate a report as to the advisability of re-districting the State of Iowa into judicial districts beg leave to report that they have had the same under consideration and find that the judicial districts as now constituted vary in a remarkable degree as to the number of days of court now being held in each of said districts. It appears from the report at hand that the maximum number of days' court held in any one district during the year 1908 was three hundred seven (307), and the minimum to be one hundred ten (110) days; that the average for the state for the year 1908, was one hundred seventy-four (174) days for each judge of the district court.

We further find that the average number of days' court held in each district was as follows:

District No. 1,	276 days,	1 judge
District No. 2,	194 days,	4 judges
District No. 3,	156 days,	2 judges
District No. 4,	173 days,	4 judges
District No. 5,	110 days,	3 judges
District No. 6,	150 days,	3 judges
District No. 7,	169 days,	4 judges
District No. 8,	288 days,	1 judge
District No. 9,	307 days,	4 judges (Polk)
District No. 10,	157 days,	2 judges

District No. 11, 155 days,	3 judges
District No. 12, 145 days,	3 judges
District No. 13, 137 days,	2 judges
District No. 14, 150 days,	2 judges
District No. 15, 180 days,	4 judges
District No. 16, 170 days,	2 judges
District No. 17, 137 days,	2 judges
District No. 18, 183 days,	3 judges
District No. 19, 200 days,	2 judges
District No. 20, 185 days,	2 judges

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Average178

Your committee is of the opinion that the judicial districts as now constituted are excessive in number; that the number of the days of court work could, in many instances, be increased in the different districts without materially affecting the efficiency of said courts, or the working of any undue hardship upon any particular judge.

Your committee would recommend the re-districting of the State of Iowa into judicial districts with the view of reducing the number of districts which, we believe, could be reduced to fifteen in number and the number of judges reduced from fifty-three to forty-three in the state, thereby placing the judicial districts of Iowa on a fair and equitable working basis and as a matter of economy to the taxpayers, all of which is respectfully submitted for your further consideration.

Signed:

JOSEPH MATTES,
JOHN FOLEY,
EDWARD H. CUNNINGHAM,
C. J. FULTON,
C. F. SWIFT,

Committee.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Fitchpatrick, Senate File No. 397, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching of the corporate seal thereto, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Fitchpatrick moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Burgess, Clarkson, Dowell, Frudden, McManus, Saunders, Stuckslager, White—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 357, a bill for an act to amend the law as it appears in Section 3141 of the Code, 1907, relating to granting marriage license by the clerk of the district court.

Passed on file.

House File No. 159, a bill for an act to repeal Section 1820 of the Code, relative to limitations of actions and enacting a substitute therefor.

Passed on file.

House File No. 300, a bill for an act to amend Section 1509 of the Code, and 1532-a, Supplement to the Code, 1907, relative to the power and duties of the Trustees, Board of Regents, and Board of Control, in regard to roads and highways in and around land owned by the state.

Passed on file.

House File No. 407, a bill for an act to amend Section 2540 of the Supplement to the Code, 1907, relating to the catching and transportation of fish.

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

House File No. 126, a bill for an act providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof.

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

House File No. 428, a bill for an act to amend the law as it appears in Section 412, Supplement of the Code, 1907, relating to the meeting of the Board of Supervisors.

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

House File No. 417, a bill for an act to repeal Section 1989-a-42 to the Supplement of the Code, 1907, relative to the duties of the County auditor and to the employment of additional help for county auditors in levee or drainage districts and to the drainage record and the enactment of a substitute therefor.

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

House Concurrent Resolution. Whereas the remaining work of this General Assembly can and ought to be completed in two weeks from this date, therefore be it resolved by the House, the Senate concurring, that this General Assembly do adjourn sine die at 12:00 o'clock, M. on Friday, April 9, 1909.

Laid over under the rules.

THIRD READING OF BILLS.

On motion of Senator Brown, House File No. 452, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to dependent soldiers' and sailors' tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Brown moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Burgess, De Wolf, Dowell, Francis, Frudden, McManus, Parshall, Ream, Saunders, Stuckslager, White—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Allen of Van Buren (by request), Senate File No. 409, a bill for an act to amend Section One Thousand Six Hundred Eighteen-a (1618-a) of the Supplement to the Code, 1907, relative to the renewal of the corporate charter of State and Savings Banks.

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

By Senator Allen of Pocahontas (by unanimous consent), Senate File No. 410, a bill for an act making an appropriation for the Farmers Institute of Pocahontas County, Iowa, under the provisions of Section Sixteen Hundred Seventy-five (1675) of the Supplement to the Code, 1907.

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

Senator Chapman moved that the time for adjournment be extended 15 minutes.

Carried.

THIRD READING OF BILLS.

On motion of Senator Seeley, Senate File No. 197, a bill for an act to grant to certain officers and other employees of the state institutions under the control of the Board of Control of State Institutions, annual vacations with pay, and to repeal Chapter One Hundred and Ninety-five (195) of the Acts of the Thirty-second General Assembly, with report of committee recommending amendments and passage, was taken up and considered.

Senator Seeley moved that the Senate concur in the following House amendments:

Amend by striking out in lines three and four of Section One (1) of the bill the words, "may be, if in the opinion of the Board of Control, found advisable, given," and substituting in lieu thereof the words, "shall be entitled to."

Also amend by inserting after the word "having" in the fourth line of the printed bill the following: "served one year to seven days and after having"; and to substitute for the word "two" in the third line of the printed bill the word "one."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hoyt, Hunter, McCulloch, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Van Law, Whipple, Whiting, Wilson—33.

The nays were:

Senators Bennett, Dowell, Hammill, Larrabee, Mattes, Maytag, Parshall, Quigley, Smith of Mitchell, Taylor—10.

Absent or not voting:

Senators De Wolf, Frudden, McManus, Smith of Des Moines, Stuckslager, White—6.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Dowell moved that the vote by which House File No. 162 was indefinitely postponed, be reconsidered.

Carried.

Senator Dowell asked unanimous consent to have House File No. 162 re-referred to the Committee on Judiciary.

Consent granted.

Senator Allen of Pocahontas asked unanimous consent to have Senate File No. 164 recalled from the Governor.

Consent granted.

Senator Allen of Van Buren moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, A. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Van Law presented petition from comrades of the Iowa Soldiers' Home at Marshalltown, Iowa, asking that the entrance requirements for admission to the Iowa Soldiers' Home be changed.

Referred to Committee on Appropriations.

Senator Savage presented petition from residents of Greenfield, Iowa, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 334, a bill for an act to amend the law as it appears in Section 3305, Supplement to the Code, 1907, relative to the time of granting administration.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 57, a bill for an act to repeal paragraph four of Section 1850 of the Supplement to the Code and to enact a substitute therefor relating to the investment of funds of savings banks.

C. R. BENEDICT,
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. 214, a bill for an act to repeal Sections 2111, 2151, of the Code, relating to the election, limitations, powers and duties of the board of railroad commissioners, and to enact substitutes therefor and for the repeal of Section 1068 of the Supplement to the Code, 1907.

C. R. BENEDICT,
Chief Clerk.

The Governor returned to the Senate, Senate File No. 264, as requested.

THIRD READING OF BILLS.

Senate took up for consideration, Senate File No. 312, a bill for an act to repeal Section Two Thousand One Hundred and Eleven (2111) of the Code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal Section Two Thousand One Hundred and Twenty-two (2122) of the Code, and to enact a substitute therefor, relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to Chapter Seven (7) of the Code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal Sections One Thousand and Sixty-eight (1068) and Two Thousand One Hundred and Twenty-one (2121) of the Code, as amended.

Senator Frudden moved that the amendments to the bill be laid on the table.

Senator Smith of Mitchell raised the question whether the tabling of the amendment would carry the bill with it.

The President stated that if the motion prevailed and the amendments were laid on the table, Senate File No. 312 would also be laid on the table.

On the motion a roll call was demanded.

Those in favor of the motion were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Chapman, De Armand, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Nichols, Parshall, Proudfoot, Quigley, Savage, Seeley, Smith of Des Moines, Stuckslager, Whipple, White, Wilson—26.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Larrabee, Mattes, Maytag, Moon, Peterson, Ream, Sammis, Saunders, Smith of Mitchell, Whiting—20.

Absent or not voting:

Senators Burgess, Taylor, Van Law—3.

So the motion prevailed.

INTRODUCTION OF BILLS.

By Senator Sammis (by unanimous consent), Senate Joint Resolution No. 4, providing for the appointment of a joint committee to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the state, and providing for the report of said committee to the next General Assembly, and for the payment of the expenses of such investigation and defining the powers of the committee.

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

By unanimous consent the consideration of Senate File No. 325, was postponed until tomorrow morning to be taken up as unfinished business.

HOUSE MESSAGES CONSIDERED.

House File No. 57, a bill for an act to repeal paragraph 4 of Section 1850 of the Supplement to the Code and to enact substitutes therefor, relating to the investment of funds for savings banks.

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

House File No. 214, a bill for an act to repeal Section 2111, 2151, of the Code, relating to the election, limitations, powers and duties of the Board of Railroad Commissioners, and to enact substitutes therefor, and for the repeal of Section 1068 of the Supplement to the Code, 1907.

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

Senate File No. 334, a bill for an act to amend the law as it appears in Section 3305, Supplement to the Code, 1907, relative to the time of granting administration.

Passed on file.

REPORT OF COMMITTEE.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your committee on Claims, to whom was referred Senate File No. 410, a bill for an act making an appropriation for the farmers' institute of Pocahontas County, Iowa, under the provisions of Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

E. H. HOYT,
Chairman.

Ordered passed on file.

The bill was referred to the Committee on Appropriations under the rules.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 217, 124, 23, 87.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 23, a bill for an act to amend the law as it appears in Section twenty-one hundred and sixteen (2116) of the Supplement to the Code, 1907, relating to the duties of railways to furnish transportation.

Also:

Senate File No. 87, a bill for an act to repeal the law as it appears in Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907, relative to farmers' institutes and to enact a substitute therefor.

Also:

Senate File No. 124, a bill for an act to amend Section twenty-five hundred and seventy-eight-a (2578-a) of the Supplement to the Code, 1907, relating to the revocation of certificates by the board of medical examiners.

Also:

Senate File No. 217, a bill for an act to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Maytag moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 31, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Charles O'Connor of Des Moines, Iowa.

PETITIONS AND MEMORIALS.

Senator Ream presented petition from residents of Mahaska County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Nichols presented petition from residents of Louisa County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Smith of Des Moines presented petition from residents of New London, Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Smith of Des Moines presented remonstrance from residents of Burlington, Iowa, against the passage of the Sunday Observance Law.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Allen of Van Buren, Senate File No. 411, providing for the punishment of any person who shall use in reference to and in the presence of another, abusive or obscene language or in any other way harass or follow after another in a manner tending to provoke an assault or any breach of the peace.

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

REPORT OF COMMITTEE.

Senator Gilliland, 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. 384, a bill for an act to amend the law as it appears in Section 741-f, Chapter 4, Title 5, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend line four (4) of Section 1 by striking out the words "and one-half" next preceding the words "per centum," and when so amended the bill do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 384, a bill for an act to amend the law as it appears in Section Seven Hundred Forty-one-f (741-f), Chapter Four, Title Five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendment:

Amend line (4) of Section 1, by striking out the words, "and one-half" next preceding the words "per centum."

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Seeley, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Bruce, Cosson, Hoyt, Larrabee, McManus, Saunders, Savage, Smith of Des Moines, Stuckslager, White—12.

Senator Dowell offered the following amendment and moved its adoption:

I move to amend the bill by striking out the words "and one-half" as the same appear in the title of the bill.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

INTRODUCTION OF BILLS.

Senate File No. 412, by Committee on Retrenchment and Reform.

A Bill for an Act Extending the Powers and Increasing the Duties of the State Board of Education, Amendatory to Titles Twelve (XII) and Thirteen (XIII) of the Code and Supplement to the Code, 1907, and Additional to an Act of the Thirty-third General Assembly Creating a State Board of Education, and Known as Senate File Number One Hundred Ninety-eight (198).

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the state board of education created under the provisions of an act of the Thirty-third General Assembly, known as Senate File number one hundred ninety-eight (198), shall have full power, and it is hereby made its duty to take charge of, manage, control and govern the geological survey, the state library, traveling libraries, the Iowa historical department, the state historical society and the hall of public archives, and it shall be the duty of said board to include in its first report to the Governor and Legislature its observations and conclusions respecting each of the departments covered by this act with such recommendations as to the future needs of such departments as to the board may seem advisable and proper.

SEC. 2. The geological board, the board of trustees of the Iowa State library, the library commission, the board of trustees of the Iowa historical department and the board of curators of the state historical society shall cease to exist on the first day of July, 1909, and on the same date full power to manage and control all of said institutions and departments, as herein provided, shall vest in the said state board of education, and it is hereby made the duty of the several boards and commissions hereinbefore referred to to turn over to said state board of education all of the books, papers, documents and property of every kind pertaining to such institutions and departments.

SEC. 3. In the management and control of the institutions and departments covered by this act the provisions of the act, hereinbefore referred to as Senate File No. 198, in so far as the same may be applicable hereto shall be observed, and all existing laws relating to such institutions and departments which are not inconsistent with the provisions of this act shall remain in force, and all acts or parts of acts inconsistent or in conflict with the same are hereby repealed.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and placed on Calendar.

Senate File No. 413, by Committee on Retrenchment and Reform.

A Bill for an Act Amending Sections One Hundred Fifty (150) and One Hundred Fifty-one (151) of the Code, Relating to the Duties of the Custodian of Public Buildings and Property.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section one hundred fifty (150) of the Code be amended to read as follows:

He shall keep in his office a complete record containing an itemized list of all property of the state under his care and control, with accurate plans and surveys of the public grounds at the seat of government. He shall make a report to the Governor on or before the last day of September preceding each regular session of the General Assembly, which report shall cover all transactions for the preceding biennial period. He shall perform all other duties imposed by law, or order of the Executive Council.

SEC. 2. Section one hundred fifty-one (151) of the Code is amended to read as follows:

Said report shall show in detail all expenditures made on account of the department of public buildings and property; an itemized statement of all money received for property sold or collections made; the condition of all real and personal property of the state under his care or control, together with a report of any loss or destruction, or injury to, any such property, with the causes thereof, and measures necessary for the care and preservation of the same, and recommendations as to methods which would tend to render the service more efficient and economical. Said report shall also embrace any other matter ordered by the Executive Council and shall contain an inventory of all state property under his control. All reports of the custodian shall be subscribed and sworn to by him.

Read first and second time and placed on Calendar.

By Senator Van Law, Senate File No. 414, a bill for an act to amend Section Seven Hundred and Ninety-two (792) of the Code, relating to street improvements and special assessments therefor.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 304, a bill for an act to repeal Section 2596-a, Supplement to the Code, 1907, and to enact a substitute therefor, relating to the sale of cocaine and other drugs.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 281, a bill for an act to amend the law as it appears in Section 2806 of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 166, a bill for an act to enable counties to establish and maintain hospitals levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

C. R. BENEDICT,
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. 373, a bill for an act to amend Section 337 of the Supplement to the Code, 1907, relating to the selection of jury lists.

C. R. BENEDICT,
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. 414, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section 3260-j of the Supplement to the Code, 1907.

C. R. BENEDICT,
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. 276, a bill for an act to amend the law as it appears in Section 3106 of the Code, relating to limited partnerships.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Van Law Senate File No. 325, a bill for an act to provide for the investigation of water, gas, heat, light or power works or plants, and the operation thereof, to provide for annual reports with reference to the operation thereof, and prescribing the procedure therefor, with report of Committee on Railroads, recommending passage, was taken up, considered, and the report of committee adopted.

Senator Van Law moved the adoption of the report of the Committee on Judiciary.

Adopted.

Senator Adams moved the previous question on the bill.

Carried.

Senator Van Law moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Cosson, Dowell, Fitchpatrick, Francis, Hunter, Larrabee, Moon, Parshall, Peterson, Ream, Smith of Mitchell, Van Law, Whiting—15.

The nays were:

Senators Adams, Bennett, Brown, Burgess, Chapman, Clark, De Armand, De Wolf, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, McCulloch, McManus, Mattes, Maytag, Nichols, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Wilson—31.

Absent or not voting:

Senators Balkema, Bruce, Clarkson—3.

So the bill having failed to receive a constitutional majority was declared 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. 213, a bill for an act prohibiting certain classes of advertising and providing a penalty for the violation thereof.

C. R. BENEDICT,
Chief Clerk.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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 repeal section eighteen hundred twenty (1820) of the Code relating to limitations of actions and enacting a substitute therefor.

Also:

House File No. 300, a bill for an act to amend section fifteen hundred nine (1509) of the Code relating to the powers and duties of the Trustees, Board of Regents and Board of Control in regard to roads and highways and to amend section fifteen hundred thirty-two-a (1532-a) of the Supplement to the Code, 1907, relating to road districts.

Also:

House File No. 357, a bill for an act to amend section thirty-one hundred forty-one (3141) of the Code relating to the granting of marriage license by the clerk of the district court.

Also:

House File No. 365, a bill for an act to legalize deed of Osceola County, Iowa, to Edgar Baker for government lots two, three, and four, in section ten, in township one hundred, north of range thirty-nine west of the 5th P. M.

Also:

House File No. 445, a bill for an act to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library bond fund to the judgment fund.

Also:

House File No. 473, a bill for an act to confer additional powers on certain cities organized under chapter forty-eight (48) of the Acts of

the Thirty-second General Assembly of Iowa as the same appear in chapter 14-c of title V of the Supplement to the Code, 1907, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under chapter two hundred ten (210) of the Acts of the Twenty-ninth General Assembly of Iowa as the same appears in chapter 9-a of title V of the Supplement to the Code, 1907, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected herewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

Senator Gilliland asked unanimous consent to take up for consideration the motion filed by him to reconsider the vote by which the Senate adopted the Concurrent Resolution, relative to final adjournment of the Thirty-third General Assembly on April 1, 1909.

Consent granted.

The motion to reconsider the vote by which the Senate adopted the Concurrent Resolution prevailed.

Senator Gilliland moved that the Concurrent Resolution be indefinitely postponed.

Carried.

Senator Gilliland asked unanimous consent to take up for consideration, House Concurrent Resolution, relative to final adjournment of the Thirty-third General Assembly on April 9, 1909, at 12:00 o'clock, M.

Consent granted.

Senator Gilliland moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senator Gilliland moved to reconsider the vote by which the Concurrent Resolution, relative to adjournment sine die of the Thirty-third General Assembly, was adopted by the Senate.

Senator Gilliland moved to lay the motion to reconsider on the table.

Carried.

Senator Allen of Pocahontas asked unanimous consent to have Senate File No. 38, Special Order No. 2, made a Special Order for 10:00 o'clock, A. M., tomorrow.

Consent granted.

HOUSE MESSAGES CONSIDERED.

House File No. 213, a bill for an act prohibiting certain classes of advertising and providing a penalty for the violation thereof.

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

Senate File No. 304, a bill for an act to repeal Section 2596-a of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the sale of cocaine and other drugs.

Passed on file.

Senate File No. 281, a bill for an act to amend the law as it appears in Section 2806 of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

Passed on file.

Senate File No. 166, a bill for an act to enable counties to establish and maintain hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

Passed on file.

House File No. 373, a bill for an act to amend Section 337 of the Supplement to the Code, 1907, relating to the selection of jury lists.

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

House File No. 414, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section 3260-j of the Supplement to the Code, 1907.

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

House File No. 276, a bill for an act to amend the law as it appears in Section 3106 of the Code, relating to limited partnerships.

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

THIRD READING OF BILLS.

On motion of Senator Foley, Senate File No. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none, was taken up and considered.

Senator Foley moved that the Senate concur in the following House amendments:

Amend by striking out the words and figures, "one hundred (100)" in the fourth line of Section One (1) and inserting in lieu thereof the words and figures, "one hundred and fifty (150)."

Also amend Senate amendment to Section One (1) in the fourth line thereof as follows: Strike out the words "property owners" and insert in lieu thereof the word "freeholders."

Also amend by striking out of Section One in line 14 the word "twenty" and inserting in lieu thereof the word "ninety."

Also amend Section Three (3) as follows: Change the period at the end of said section to a comma (,) and immediately after

insert the following, "none of whom shall be practicing physicians."

Also amend Section 6, line 23, by adding after the word "section" the following words and figures, "Section Four Hundred Three (403)."

Also amend by adding to the end of Section Six the following: "Provided the total amount of bonds to be issued shall not exceed one hundred thousand dollars (\$100,000.00)."

Also amend Section Thirteen (13) by inserting in the first line thereof, between the words "person" and "desiring" the following, "or persons, firm, organization, corporation or society."

Also amend Senate amendment to Section Fourteen (14) as follows: Strike out the word "select" in the second line and insert in lieu thereof the words, "employ at his or her own expense."

Senator Adams moved as a substitute that consideration of the amendments be postponed until 9:30 o'clock A. M. to-morrow.

The motion was lost.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—39.

The nays were:

Senators Brown, Proudfoot, Savage—3.

Absent or not voting:

Senators Balkema, Dowell, Gilliland, McManus, Quigley, Ream, Taylor—7.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Adams filed the following motion:

I move to reconsider the vote by which the Senate concurred in House amendments to Senate File No. 166.

H. L. Adams.

Senator Chapman moved to lay the motion to reconsider on the table.

Carried.

On motion of Senator Saunders Senate File No. 380, a bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water-works, gas works, electric light, or electric power plants, and a mode of procedure therefor, and amending Section 722 of the Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, White, Whiting—41.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Cosson, Maytag, Stucklager, Taylor, Whipple, Wilson—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Peterson Senate File No. 361, a bill for an act to amend Section 335 of the Code relating to the selection

of persons to serve as petit and grand jurors and talesmen, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Cosson, De Wolf, Dowell, Maytag, Moon, Whipple—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand House File No. 30, a bill for an act to amend Section 592 of the Code relating to the compensation of township trustees, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator De Armand moved that the substitute be substituted for the original bill.

Carried.

Senator DeArmand moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Cosson, Hoyt, McCulloch, McManus, Mattes, Maytag, Nichols, Savage, Whipple—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Larrabee, Senate File No. 31, a bill for an act requiring all corporations doing business within the State to make an annual report and pay annual license fee to the Secretary of State, was taken up and considered.

The motion filed by Senator Larrabee to reconsider the vote by which the bill failed of passage and the vote by which the bill passed to its third reading, prevailed.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend the bill by striking out Section Three (3) and insert in lieu thereof the following:

Sec. 3. Every corporation whose corporate period has not expired which has heretofore obtained, or may hereafter obtain, a certificate of incorporation or permit under the provisions of chapter one (1) of title nine (9) of the Code to transact business in this state as a corporation, whether the same be a domestic or foreign corporation, shall pay to the Secretary of State an annual fee in the sum of two dollars (\$2.00).

Adopted.

Senator Bennett offered the following amendment to the amendment and moved its adoption.

I move to amend the amendment by striking out the words and figures "two dollars (\$2.00)" as they appear in the last line of Section Three and insert in lieu thereof the words and figures "one dollar (\$1.00)."

Adopted.

The amendment as amended was adopted.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend the bill by striking out Section Four (4) and inserting the following in lieu thereof:

Sec. 4. Any corporation organized under the laws of this state, and any foreign corporation authorized to do business in this state which shall fail to make the report and pay the annual fee provided for in this act and within the time required in section one (1) hereof, shall incur the following penalties beginning with the month of September dating from the first day thereof to-wit: for the month of September the sum of two dollars (\$2.00), for the month of October the sum of four dollars (\$4.00), for the month of November the sum of six dollars (\$6.00), for the month of December the sum of eight dollars (\$8.00), and for each month thereafter the sum of ten dollars (\$10.00).

If on the first day of May following, such corporation shall not have filed the annual report and paid the annual fee, together with all monthly penalties due at the time of filing said report and paying said fee the secretary of state shall furnish to the attorney general a list of delinquent domestic corporations and he may direct the county attorney of the county in which the corporation has its principal place of business to bring suit for the collection of the fee and penalties then due, or may bring such action himself.

Any domestic corporation may, prior to the first day of May, 1910, and the first day of May of any subsequent year, escape the payment of fee and penalties by dissolving the corporation and filing with the secretary of state a proof of publication of notice of dissolution.

Any foreign corporation that shall fail to make the annual report and pay the annual fee and penalties that may be due shall thereby forfeit its right to do business within this state.

Adopted.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend the bill by striking out Section Five (5) and inserting in lieu thereof the following:

Sec. 5. During the month of August of each year the secretary of state shall prepare a list of all delinquent corporations and file the

same in his office, and on or before the first day of September he shall send by registered mail to each delinquent a notice of such delinquency and of the penalties provided in section four of this act, and that if the annual report required is not filed and the annual fee paid, together with penalties due, on or before the last day of April, that on the first day of May following, notice of such delinquency will be filed with the attorney general who may cause action to be brought for the collection of the fee and the penalties due the state.

Adopted.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend the bill by striking out Section Six (6) and inserting in lieu thereof the following:

Sec. 6. On the first day of May following the date of the notice provided for in section five (5) of this act, all foreign corporations that have not complied with the provisions of this act shall forfeit the right to transact business in this state and a declaration of forfeiture and cancellation shall be entered upon the margin of the record of the certified copy of the articles of incorporation of such company in the office of the Secretary of State or in such other record as the Secretary of State may provide.

Adopted.

Senator Bruce offered the following amendment and moved its adoption:

I move to amend the bill by striking out Section 7 and inserting in lieu thereof the following:

Sec. 7. Nothing in this chapter shall be construed as imposing an annual fee or requiring a report from any corporation organized for religious, educational, scientific or charitable purposes or other corporations organized under chapter two (2) of title nine (9) of the Code, or of any corporation engaged in the banking business.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking out Section Eight (8) and inserting the following in lieu thereof:

Sec. 8. After the first day of November and not later than the first day of January each year, the Secretary of State shall compile an alphabetical list of the domestic and foreign corporations that have complied with the provisions of this act, together with postoffice address and

mail a copy thereof to each county recorder in this state, who shall file the same in his office.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking out the words "last paragraph" in the first line of Section Ten (10) and inserting in lieu thereof the words, "second sentence."

Adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Burgess, Chapman, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Moon, Peterson, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Whipple, White, Whiting—31.

The nays were:

Senators Adams, Bennett, Brown, Bruce, Clark, McCulloch, Manus, Nichols, Parshall, Proudfoot, Quigley, Smith of Des Moines, Stuckslager—13.

Absent or not voting:

Senators Cosson, De Armand, Taylor, Van Law, Wilson—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 Seeley, Senate File No. 377, a bill for an act to amend Section 2781 of the Code, relating to the publication of annual financial statements of independent, city or town districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Seeley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Burgess, Cosson, Dowell, Gates, Gilliland, McManus, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The following communication was received from the Governor:

To the Senate and House of Representatives of the Thirty-third General Assembly:

GENTLEMEN—In view of the fact that the Attorney General has recently rendered me an opinion with regard to the power of removal of certain officers, members of boards and commissions, in which he has held there is no provision of law or the constitution for removal of a considerable number of such officers and members, I deem it my official duty to call your attention to the fact in order that you may be fully advised as to what the situation really is when based upon the opinion referred to.

I beg to quote from the opinion as follows: "Summarized, the Governor has the power to remove oil inspectors, the custodians of public buildings and property, notaries public, commissioners in other states, the commissioner of labor statistics, mine inspectors, inspectors of passenger boats, dairy commissioner, state veterinary surgeon, members of the board of health, members of the board of control, and the superintendent of weights and measures.

As to the following officers no provision has been made by the legislature for removal: members of the board of curators of the state historical society, members of the board of educational examiners, the di-

rectors of the weather and crop service, the board of dental examiners, members of the board of parole, and the members of the library commission."

I beg also to quote from the conclusions reached by the Attorney General as follows: "Keeping in mind the provision of our constitution and statutes covering the powers and duties of the Governor and other state officers and boards the decision establishes the following rules: First, the term "other state officer" as used in Section 20, Article 3, of the constitution, who may be removed by impeachment proceedings refers only to state officers named or provided for in the constitution and does not cover incumbents of state offices which have been created by statute.

Second. That neither the Governor nor any other state officer or board may remove an official filling an office, the term of which is fixed by law, unless the authority to do so is expressly given either in the constitution or the statute.

Third. The power of the Governor, state officer or board to appoint, no definite term of service being fixed, carries with it the power to remove in all cases where service to be performed pertains to or has to do with the business or government of the state."

It will therefore be seen that there appears to be ample provision, either by impeachment or conferred by statute, for the removal of all elective and appointive state officers other than as above recited. I believe you will agree with me that there is no reason why any exception should be made of the officers and commissions for which no provision is made for removal. It must be granted, I think, that the absence of a statutory provision with reference thereto is due to an oversight by the Legislature rather than any intention.

It can hardly be imagined that the legislature had in mind making any exception with regard to said officials. It would seem that under the opinion of the Attorney General it would be impossible to remove any of the said officials from office for any offense, however serious it might be, or for gross neglect of the duties of the office unless such offense or neglect were such as to furnish the grounds for action by a grand jury.

I believe that the interests of good government and of proper service to the state and of due regard for the welfare of the state demand that some legislation be enacted by you at this session making some provision whereby, when just cause exists for the same, power to remove should be lodged with some official or officials.

I wish also to reiterate in substance the statements made in my inaugural address with regard to the abuse of the per diem system and to express to you my sincere hope that even though it be late in the session of this legislature that something may be done to correct the abuses that are known to exist in connection with the per diem system.

B. F. CARROLL,
Governor.

Done this 31st day of March, 1909.

On motion of Senator Hunter, Senate File No. 395, a bill for an act to legalize certain notices of incorporation, with report of com-

mittee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Hunter moved the adoption of the following amendment:

Amend Section 1 by striking out the period at the end thereof and inserting in lieu thereof a comma (,) and add thereto the following: "as to all acts of said corporation from the date of said completed publication."

Adopted.

The bill was read for information.

Senator Hunter moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, De Armand, Hammill, Larrabee, Mattes, Maytag, Proudfoot, Saunders, Seeley, Smith of Mitchell, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Des Moines, House File No. 189, a bill for an act to add to the provisions of Title Nine (9), Chapter Three (3), Supplement to the Code of 1897, additional to Section Sixteen Hundred Sixty-one-a (1661-a), with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Smith of Des Moines moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Dowell, Gilliland, Proudfoot, Quigley, Sammis, Saunders, Smith of Mitchell, Wilson—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 McManus, Senate File No. 10, a bill for an act to amend the statutes of the State of Iowa in relation to the election of the Supreme Court of the State of Iowa and to increase their number, with report of committee recommending indefinite postponement was taken up, considered, and the report of committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Fitchpatrick, Senate File No. 401, a bill for an act to legalize the acts of the City Council and Mayor of the City of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water-works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city, with report of committee recom-

mending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Fitchpatrick moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Frudden, Larrabee, McCulloch, McManus, Quigley, Saunders, Wilson—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 Larrabee, House File No. 250, a bill for an act to repeal Title Eleven of the Code and the law as it appears in Title Eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa", with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Larrabee moved the adoption of the following amendments:

Amend Section 15 by striking out after the comma after the word "aids" in line three the following: "all of whom shall have served honorably in the regular or volunteer service of the United States, or for not less than one year in the guard."

Amend Section 17 by striking out the word "four" in line two and insert in lieu thereof the word "two."

Amend Section 34 by striking out in line two the words "personal road and" and insert in lieu thereof the following: "and labor on the road on account of."

Amend Section 43 by striking out the words and figures "one hundred fifty-two thousand nine hundred (\$152,900) dollars" and insert in lieu thereof the words and figures "one hundred forty thousand (\$140,000) dollars."

Adopted.

Senator Larrabee offered the following amendment and moved its adoption:

I move to amend Section Fifteen (15) of the printed bill by placing after the word "general" in the third line thereof a comma (,) and inserting the words "both of whom shall have served honorably in the regular or volunteer service of the United States, or for not less than one year in the guard."

Adopted.

Senator Larrabee moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Taylor, Van Law, Whipple, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Bennett, Brown, Burgess, Cosson, De Armand, De Wolf, Francis, Frudden, Hunter, McManus, Parshall, Sammis, Smith of Des Moines, Smith of Mitchell, Stuckslager, White—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced that he had signed in the presence of the Senate, House Files Nos. 445, 365, 357, 300, 159, 473.

On motion of Senator Allen of Pocahontas, Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties, and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor, was taken up and considered.

Senator Allen of Pocahontas moved to reconsider the vote by which the Senate concurred in the House amendment to the bill on the 25th day of March, 1909.

Carried.

Further consideration of the bill was postponed.

REPORT OF COMMITTEE.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred House File No. 433, a bill for an act to amend Section two thousand and twenty-eight (2028) as it appears in the Supplement to the Code, 1907, relating to ways to lands which have no other means of access, beg leave to report they have had the same under consideration and recommend the same do pass.

J. I. NICHOLS,
Chairman.

Ordered passed on file.

Senator Hammill moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

On request of Senator Van Law, leave of absence was granted Senator Cosson indefinitely.

REPORTS OF COMMITTEE.

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

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 301, a bill for an act to amend Section four hundred and fifty-eight-c (458-c) of the Supplement to the Code, 1907, relative to injuries of domestic animals by dogs and wolves, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 126, a bill for an act providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Senator Proudfoot filed the following motion:

I move that House Joint Resolution No. 3 be re-called from the Committee on Constitutional Amendments and Suffrage, to which it was referred March 11, 1909.

Senator Adams moved that the motion be laid on the table.

On the motion to lay on the table a roll call was demanded.

Those favoring the motion were:

Senators Adams, Bruce, Burgess, Chapman, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager, Van Law, White, Wilson—26.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Clark, Clarkson, Dowell, Francis, Gilliland, Hammill,

Hoyt, Hunter, Larrabee, McCulloch, Peterson, Proudfoot, Seeley, Smith of Mitchell, Taylor, Whipple, Whiting—21.

Absent or not voting:

Senators Brown, Cosson—2.

So the motion prevailed.

EXPLANATIONS OF VOTES.

I would greatly prefer to vote upon this measure in the open Senate and thus avoid any appearance of trying to dodge the question. But the matter seems to be presented in such a form and the general attitude of the Senate is such that a vote in opposition to the action of the committee would be construed as a vote in favor of prohibition.

I believe that every measure should be fairly considered upon its merits and if the situation were such that I could vote to bring this question fairly before the Senate and before the people without at the same time appearing to go further and in that manner go on record as being in favor of prohibition at this time, I should do so.

SHERMAN W. DEWOLF.

I would prefer to vote directly upon resubmission, but as this roll call will apparently decide the question at issue and as I should vote against resubmission if the question were plainly presented, I vote aye.

E. G. MOON.

I would prefer to vote for this measure openly on the floor of the Senate, and would under that condition vote for the measure. But in my opinion the present action is unjust and discourteous to the committee and is open to serious objection. I prefer to treat our committee with as much deference as rightly belongs to them.

H. R. CHAPMAN.

THIRD READING OF BILLS.

On motion of Senator Clarkson, House File No. 200, a bill for an act providing for the deposit of money in lieu of bond where bonds are required for costs, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Clarkson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Hammill, Hoyt, Hun-

ter, Larrabee, McCulloch, McManus, Moon, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—36.

The nays were:

Senators Chapman, Gates, Mattes—3.

Absent or not voting:

Senators Cosson, De Armand, Foley, Gilliland, Maytag, Nichols, Proudfoot, Ream, Stuckslager, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Whiting, House File No. 382, a bill for an act to amend Section Thirteen Hundred and Three (1303) of the Supplement to the Code, 1907, relative to the amount of taxes to be levied for making and repairing bridges, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Whiting moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting—38.

The nays were:

Senator Mattes—1.

Absent or not voting:

Senators Adams, Bennett, Brown, Cosson, Dowell, Gates, Maytag, Stuckslager, Whipple, Wilson—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Frudden, Senate File No. 388, a bill for an act providing a method of nominating candidates for certain offices in cities of the first and second class, and those acting under special charters, and repealing Section Ten Hundred Eighty-seven-a-Thirty-four (1087-a34) of the Supplement to the Code of 1907, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Frudden offered the following amendment and moved its adoption.

I move to amend Section 2 in line 7 of the printed bill by inserting after the word "city" and before the word "shall" the following: "or sub-division thereof."

Adopted.

Senator Frudden moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Clark, Clarkson, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Taylor, Van Law, Wilson—22.

The nays were:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Gates, Gilliland, Hammill, Hoyt, Proudfoot, Saunders, Savage, Seeley, Stuckslager, Whipple, White—15.

Absent or not voting:

Senators Brown, Burgess, Chapman, Cosson, De Armand, Dowell, McCulloch, Moon, Sammis, Smith of Des Moines, Smith of Mitchell, Whiting—12.

So the bill having failed to receive a constitutional majority was declared lost.

REPORTS OF COMMITTEE.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your committee on Insurance, to whom was referred Senate File No. 353, a bill for an act authorizing mutual accident insurance companies or associations incorporated under Title nine (9) of the Code, to reincorporate as stock companies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Insurance, to whom was referred House File No. 42, a bill for an act requiring all guaranty, fidelity and surety companies doing business in the State of Iowa to deposit with the Auditor of State a guarantee fund for the protection of citizens of the state, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Saunders filed the following motion:

I move to reconsider the vote by which Senate File No. 388 was lost and also to reconsider the vote by which the said bill passed to its third reading.

C. G. SAUNDERS.

Senator Clarkson filed the following motion:

I move that the Committee on Constitutional Amendments and Suffrage be and are hereby requested to submit a report upon the Joint Resolution submitted to them relative to amending the constitution of the State of Iowa, prohibiting the sale of intoxicating liquors which resolution passed the House and by the Senate referred to said committee; said report to be made on or before the 2d day of April, 1909.

REPORTS OF COMMITTEE.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 58, a bill for an act to revise, amend and codify the stat-

utes in relation to the public schools, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. H. ALLEN,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 299, a bill for an act to amend the law as it appears in Section two thousand eight hundred four (2804) of the school laws of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. H. ALLEN,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Schools, to whom was referred Senate File No. 351, a bill for an act to amend the law as it appears in Sections 2634-d, 2734-e, 2734-g, 2734-h, 2734-i, 2734-k and 2738 of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates, and enrollment fee in the county normal institutes, and enact substitutes therefor, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute, and when so amended the bill do pass.

SUBSTITUTE FOR SENATE FILE NO. 351—BY ADAMS.

A Bill for an Act to Amend the Law as it Appears in Sections Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g), Twenty-seven Hundred Thirty-four-h (2734-h), Twenty-seven Hundred Thirty-four-i (2734-i), Twenty-seven Hundred Thirty-four-k (2734-k) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, Relating to the Issuance, Validation and Renewal of State and County Certificates, and Enrollment Fee in the County Normal Institutes, and Enact Substitutes Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Amend Section twenty-six hundred thirty-four-d (2634-d) of the Supplement to the Code, 1907, by substituting a period for the comma after the word "years" in line three thereof, and striking out the following clause: "which may be renewed under such rules as said board may prescribe."

SEC. 2. Section twenty-six hundred thirty-four-h (2634-h) of the Supplement to the Code, 1907, is hereby repealed, and the following enacted

in lieu thereof: "All certificates referred to in Sections twenty-six hundred twenty-nine (2629), twenty-six hundred thirty-b (2630-b), twenty-six hundred thirty-c (2630-c), twenty-six hundred thirty-four-d (2634-d), twenty-six hundred thirty-four-f (2634-f), twenty-six hundred thirty-four-g (2634-g) of the Supplement to the Code, 1907, shall be renewed for life by the said state board of educational examiners, upon the payment of a fee of five (\$5.00) dollars, and proof of at least three years' successful teaching, during the time said certificate has been in force.

SEC. 3. Amend Section twenty-seven hundred thirty-four-e (2734-e) of the Supplement to the Code, 1907, by striking out of the fourth, fifth and sixth lines thereof the following words, "and shall be renewable under the same conditions as apply to the renewal of first grade certificates."

SEC. 4. Amend Section twenty-seven hundred thirty-four-g (2734-g) of the Supplement to the Code, 1907, by substituting a period for the comma after the word "thereof" in the fifth line, and striking out all that follows in said Section.

SEC. 5. All certificates referred to in Sections twenty-seven hundred thirty-four-d (2734-d), twenty-seven hundred thirty-four-e (2734-e) and twenty-seven hundred thirty-four-g (2734-g) of the Supplement to the Code, 1907, shall be renewed for life by the state board of educational examiners, upon payment of a fee of five dollars (\$5.00), and proof of three years' successful teaching, during the time said certificate has been in force.

SEC. 6. Amend Section twenty-seven hundred thirty-four-h (2734-h) of the Supplement to the Code, 1907, by substituting a period for the comma after the word "years" in the third line thereof, and striking out all that follows in said section.

SEC. 7. Certificates referred to in Section twenty-seven hundred thirty-four-h (2734-h) of the Supplement to the Code, 1907, when the applicant has received an average of 85 per cent, with no branch below 75 per cent., shall be renewed for life, by the state board of educational examiners, upon payment of a fee of five (\$5.00) dollars, and proof of five years' successful teaching; if the applicant has had less than five years' experience in teaching, said certificate shall be renewed without further examination until said applicant has had five years' experience, upon payment of a fee of two (\$2.00) dollars, at which time, upon such applicant submitting proof of five years' successful teaching, and having the standing above referred to, and paying a fee of five (\$5.00) dollars, said certificate shall be renewed for life.

SEC. 8. Section twenty-seven hundred thirty-four-i (2734-i) of the Supplement to the Code, 1907, is hereby repealed, and the following enacted in lieu thereof: "Applicants whose examination entitles them to a third grade certificate, shall receive the same for one year, at the end of which time, upon proof of successful teaching and payment of a fee of one (\$1.00) dollar, one renewal shall be granted.

SEC. 9. Section twenty-seven hundred thirty-four-k (2734-k) of the Supplement to the Code, 1907, is hereby repealed.

SEC. 10. Applicants who have graduated from a four year high school approved by the state board of educational examiners, or from equivalent institutions approved by the said board, who have successfully pursued a

course in the theory and art of teaching, approved by the said board, shall be granted a third grade uniform county certificate upon the payment of a fee of one dollar, valid for one year. At the end of said time, upon proof of six months of successful teaching under such certificate, and the payment of a fee of two dollars, they shall be granted a second grade uniform county certificate, valid for two years, without further examination. At the end of said time, upon proof of three years' successful teaching under the second grade certificate, and the payment of a fee of five dollars, they shall be granted a first grade uniform county certificate, valid for life.

All candidates for uniform county certificates through high school graduation shall be required to pass examinations in all subjects required for a given grade of uniform county certificate which have not been successfully pursued in the requirements for graduation.

SEC. 11. All life certificates shall lapse provided the holder shall not teach during a period of five successive years.

SEC. 12. All acts and parts of acts inconsistent with this law are hereby repealed.

SEC. 13. Amend Section twenty-seven hundred thirty-eight (2738) of the Supplement to the Code, 1907, by striking out of lines seven and eight the following words, "attending the normal institute," and inserting in lieu thereof the following, "desiring to secure a certificate, or teach, in his county for the ensuing year."

J. H. ALLEN,
Chairman.

Substitute was read first and second time and passed on file.

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

Senator Saunders moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M. to-morrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 1, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. E. Winslow Brown of Knoxville, Iowa.

On request of Senator Mattes, leave of absence was granted Senator Clark until noon.

On request of Senator Mattes, leave of absence was granted Senator Maytag until tomorrow.

On request of Senator Smith of Des Moines, leave of absence was granted Senator Savage until tomorrow.

PETITIONS AND MEMORIALS.

Senator Gilliland presented petition from residents of Mills County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Francis presented petition from residents of Ruthven, Iowa, favoring the passage of Senate File No. 38, known as the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Clarkson presented petition from residents of Monroe County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented petition from residents of Marshall County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Proudfoot presented petition from residents of Clarke County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

REPORTS OF COMMITTEES.

Senator Gilliland, 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. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities and incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution, etc., beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred House File No. 326, a bill for an act to amend the law as it appears in subdivision sixteen (16), Section 668 of the Supplement to the Code, 1907, in relation to the time of making appropriation by the city council, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Cities and Towns, to whom was referred Senate File No. 414, a bill for an act to amend Section 792 of the

Code relating to street improvements and special assessments therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,
Chairman.

Ordered passed on file.

Senator Smith of Mitchell, 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. 231, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS A. SMITH,
Chairman.

Ordered passed on file.

Senator Smith moved that the bill be referred to the Committee on Appropriations.

Carried.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred House File No. 230, a bill for an act to amend Section two thousand two hundred and forty-seven (2247) of the Code in relation to the levy of a poor tax, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS A. SMITH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Ways and Means, to whom was referred Senate File No. 385, a bill for an act to provide for the release of the State of Iowa of its right to escheat in the personal estate of Jack Wright (colored), deceased, of Scott County, Iowa, and providing to whom said personal estate shall be released, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS A. SMITH,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Maytag, 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 making an appropriation to purchase a site and to build a dam and fishway at the outlet of Silver Lake, Dickinson County, Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 410, a bill for an act making an appropriation for the farmers' institute of Pocahontas County, Iowa, etc., beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate Joint Resolution No. 4, providing for the appointment of a joint committee of the Senate and House to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the state and providing for the report of said committee to the next General Assembly and for the payment of the expenses of such investigation, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the state hospital for insane persons at Clarinda, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 424, a bill for an act to amend Section 2823-a of the Supplement to the Code, 1907, relating to the attendance at the public schools.

C. R. BENEDICT,
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. 418, a bill for an act to amend Section 2626 of the Code, and Section 2734-q of the Supplement to the Code, 1907, relating to the support of county teachers' institutes.

C. R. BENEDICT,
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. 395, a bill for an act to appropriate money for the use of the Iowa highway commission.

C. R. BENEDICT,
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. 292, a bill for an act to repeal Section 2942-j of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor.

C. R. BENEDICT,
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. 46, a bill for an act to provide for the punishment of persons responsible for or contributing to the delinquency of children.

C. R. BENEDICT,
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. 213, a bill for an act fixing the liability of a bank to its depositors for payment of forged or raised checks.

C. R. BENEDICT,
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. 208, a bill for an act to amend Section 1875 of the Code, relating to the dissolution of state banks.

C. R. BENEDICT,
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. 310, a bill for an act to legalize the acts of the board of directors of the school township of Wilson in the county of Osceola and State of Iowa authorizing a schoolhouse to be built in subdivision number 4, in said school township, and in levying a tax therefor.

C. R. BENEDICT,
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. 235, a bill for an act to amend Section 2539 of the Supplement to the Code, 1907, relating to compensation and duties of the fish and game warden.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping or rooming of unmarried females under the age of eighteen years in any house, building or premises where prostitution, fornication or concubinage is allowed or practiced and providing punishment for the violation thereof.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 290, a bill for an act to repeal Sections 2820-a, 2820-b, 2820-c, 2820-d of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the limit of indebtedness of independent school districts.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Substitute for Senate File No. 220, a bill for an act to regulate the transfer in bulk of stocks of merchandise.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 250, a bill for an act to repeal Title 11 of the Code and the law as it appears in Title 11 of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate substitute amendment to the following bill in which the concurrence of the House was asked:

House File No. 30, a bill for an act to repeal Section 592 of the Code, relating to the compensation of township assessors and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the conference committee report, the amendments recommended by the conference committee and concurred in Senate substitute amendment as amended by conference committee to House File No. 208, a bill for an act to repeal Sections 2565, 2568 of the Code, and Sections 2570-a, 2570-a-1, 2570-b, 2571 and 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and ex-

penses of the state board of health and of local boards of health and to enact substitutes therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith asks to recall Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving to insurance companies, additional to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor.

C. R. BENEDICT,
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. 331, a bill for an act authorizing the state board of control to enter into a contract for the employment of certain inmates of the reformatory at Anamosa.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 424, a bill for an act to amend Section Twenty-eight Hundred Twenty-three-a (2823-a) of the Supplement to the Code, 1907, relating to education.

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

House File No. 418, a bill for an act to amend Section Twenty-six Hundred Twenty-six (2626) of the Code, and Section Twenty-seven Hundred Thirty-four-q (2734-q) of the Supplement to the Code of 1907, relating to the support of County Teachers' institutes.

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

House File No. 395, a bill for an act to appropriate money for the use of the Iowa Highway Commission.

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

House File No. 292, a bill for an act to repeal Section Two Thousand Nine Hundred Forty-two-j (2942-j) of the Supplement

to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states, and to enact a substitute therefor.

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

House File No. 46, a bill for an act to provide for the punishment of persons responsible for or contributing to the delinquency of children.

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

Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Passed on file.

Senate File No. 235, a bill for an act to amend Section Two Thousand Five Hundred and Thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the Fish and Game warden.

Passed on file.

Senate File No. 208, a bill for an act to amend Section Eighteen Hundred and Fifty-seven (1857) of the Code, relating to the dissolution of savings banks.

Passed on file.

Senate File No. 310, a bill for an act to legalize the acts of the Board of Directors of the school township of Wilson in the County of Osceola and State of Iowa, in authorizing a school house to be built in Sub-division Number Four (4) in said school township and in levying a tax therefor.

Passed on file.

Senate File No. 331, a bill for an act authorizing the State Board of Control to enter into a contract for the employment of certain inmates of the reformatory at Anamosa.

Passed on file.

Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where

prostitution, fornication, or concubinage is allowed or practiced, and providing punishment for the violation thereof.

Passed on file.

Substitute for Senate File No. 290, a bill for an act to repeal Section Twenty-eight Hundred Twenty-a (2820-a), Twenty-eight Hundred Twenty-b (2820-b), Twenty-eight Hundred Twenty-c (2820-c), and Twenty-eight Hundred Twenty-d (2820-d) of the Supplement to the Code, 1907, relative to the limit of indebtedness of independent school districts, and to enact a substitute therefor.

Passed on file.

Senate File No. 220, a bill for an act to regulate the transfer in bulk of stocks of merchandise.

Passed on file.

House File No. 250, a bill for an act to repeal Title 11 of the Code and the law as it appears in Title 11 of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

Passed on file.

House File No. 30, a bill for an act repealing Section 592 of the Code, relating to the compensation of township assessors and enacting a substitute therefor.

Passed on file.

House File No. 208, a bill for an act to repeal Sections 2565, 2568, of the Code, and Sections 2570-a, 2570-a-1, 2570-b, 2571 and 2572 of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health, and of local Boards of Health and to enact substitutes therefor.

Passed on file.

Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automo-

biles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor.

Passed on file.

Senator Clarkson called up the motion filed by him yesterday, requiring the Committee on Constitutional Amendments and Suffrage and to submit a report on House Joint Resolution No. 3, relative to amending the Constitution of the State, on or before April 2, 1909.

Senator Sammis raised the point of order, that the motion seeks to instruct the committee to do something that the committee already has the right and authority to do, and therefore the motion is not in order.

The President ruled as follows:

The Senator from Monroe moves that the committee on Constitutional Amendments be requested to submit a report upon the resolution relative to amending the constitution prohibiting the manufacture and sale of intoxicating liquors. The Senator from Plymouth raises the point of order that the motion is not in order for the reason that it only calls upon the committee to do what it already has power to do, and that an instruction that does not confer power not already conferred is out of order. In argument in support of the point raised senators insist that the motion does not enlarge the power of the committee or instruct or request it to do something which it does not already have authority to do. In other words, it is insisted that the committee, has power to report at any time and may exercise its discretion in that matter; that the Senate, having conferred that power the committee is left to exercise it or not.

It seems to the chair that the power and jurisdiction of committees over different subjects are conferred to be exercised. Senators say that under the power conferred they may report tomorrow or next week or at any other time and are not subject to instructions or orders from the Senate in that respect. Carried to its logical result this would mean that any committee might decline to report back to the Senate any bill upon any subject that might be referred to it for consideration. If one bill, then two, three or any number. To illustrate: Suppose the Judiciary committee of the Senate should decline, for some reason, to report a bill, or a dozen bills or all bills referred to it, as it might do if it can withhold a report upon one. Suppose all the committees should take the same course. Is it not perfectly apparent that all business might be suspended, all legislation thwarted and the Senate sit in absolute helplessness, the victim of its own appointed committees? Such cannot be the law. Committees are

appointed to facilitate legislation. The course contended for by senators in support of the point of order raised, could but result in the obstruction of legislation. Jurisdiction of committees over particular subjects is conferred by the Senate. All their powers are derived from the Senate and are delegated powers. They are the agents of the Senate and are subject to the direction of the principal. Jurisdiction as to subject-matter to be considered by a committee may be enlarged by the Senate. The scope of its investigation as to any subject may be extended by instructions. It may be ordered to bring in a report at any stage of its proceedings. It may be instructed to report "forthwith" with reference to a matter submitted to it, or at any fixed future time. The Senate controls its committees and is not to be controlled by them. The chair thinks there is abundant authority for this holding.

The motion of the Senator from Monroe does not go to the subject-matter in the hands of the committee, or seek to instruct or direct with reference to its manner or method of considering it, or touch any power already conferred upon the committee. If it should go only to a matter in these respects, that would not alter in any way the power already conferred, it might be held irregular and out of order. Inasmuch, however, as it only calls for a report by a fixed time, the chair thinks it is in order and that the point of order insisted upon must be overruled.

Senator Clarkson asked unanimous consent to change the date on which the Committee on Constitutional Amendments and Suffrage shall submit a report on the Joint Resolution from April 2, 1909, to April 3, 1909.

Consent granted.

Senator Saunders moved that the motion of Senator Clarkson be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Balkema, Brown, Bruce, Burgess, Chapman, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, McManus, Mattes, Moon, Nichols, Parshall, Quigley, Ream, Sammis, Saunders, Smith of Des Moines, Stuckslager, Van Law, White, Wilson—27.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Clarkson, Dowell, Gilliland, Hammill, Larrabee, McCulloch, Peterson, Proudfoot, Smith of Mitchell, Whipple—13.

Absent or not voting:

Senators Clark, Cosson, Hoyt, Hunter, Maytag, Savage, Seeley, Taylor, Whiting—9.

So the motion prevailed.

EXPLANATIONS OF VOTES.

I am opposed to a re-submission of the prohibitory amendment and my votes upon the motions seeking to direct the action of the committee on Constitutional Amendments and Suffrage may be so construed as being in direct opposition to the proposed amendment.

C. H. VAN LAW.

Yesterday I voted to recall House Joint Resolution No. 3 from the committee having it under consideration, as I believed it proper for the Senate to recall any bill from any committee at any time. I today voted against the motion requiring that committee to report, as in my opinion the committee should be allowed to determine for itself not only what its report shall be, but also when it shall report, unless it shall become apparent that the committee is withholding its report for the purpose of killing the bill. When the bill reaches the Senate, I shall vote for it, as, while I greatly doubt the advisability of constitutional prohibition, I feel it to be my duty in a matter of such importance and when so many good citizens demand it, to permit the people to themselves determine the question.

L. E. FRANCIS.

Senator De Armand offered the following resolution:

Resolved, That during the remainder of the session no measure shall be considered unless the committee to which the same has been referred shall have reported in favor of its passage, except those on the calendar.

Laid over under the rules.

Senator De Wolf, from the Code Supplement Supervising Committee, appointed under an act of the Thirty-second General Assembly, submitted the following report:

To the Thirty-third General Assembly:

MR. PRESIDENT AND MR. SPEAKER—The undersigned, as a Code Supplement Supervising Committee, appointed under and in accordance with an act passed by the Thirty-second General Assembly to provide for the compilation of the laws of the Thirtieth (30th), Thirty-first (31st) and Thirty-second (32nd) General Assemblies, and the laws as they appear in the Code Supplement, to annotate the same and the Code and rules of the Supreme Court to and including the May term, 1907; and to index and publish the said compilation and annotations as a "Supplement to the Code, 1907," submit the following report to the Thirty-third General Assembly, recognizing that there is nothing in the law requiring such report, but believing it proper so to do in order that the records of the General Assem-

bly which authorized the committee should contain the record of its action. Under the direction of said committee the compilation, annotation, indexing and publication of the "Supplement to the Code, 1907," has been completed in compliance with the requirements of the act of the Thirty-second General Assembly authorizing and directing the same.

The "Supplement to the Code, 1907," contains all laws of a general and permanent nature passed by the Thirtieth (30th), Thirty-first (31st) and Thirty-second (32d) General Assemblies and the laws as they appear in the Supplement to the Code as authorized by the Code and the Twenty-ninth (29th) General Assembly.

An edition of twelve thousand (12,000) volumes has been published in manner and style and delivered as required by law. New annotations for the volume were procured by the committee from Justice Emlin McClain of the Supreme Court; an index has been prepared covering both the Supplement to the Code, 1907, and the Code of 1897. The rules of the Supreme Court and the statutes relating thereto have been added, and a separate index, which the committee believed would be of great service, was made; also a table given showing where all general legalizing acts relating to conveyances may be found, the time of taking effect and the General Assembly that enacted the same.

The table of the acts of the Several General Assemblies, consecutively numbered, has been brought down to date and a table of corresponding sections made with data given as to similar tables, through which corresponding sections in our law may be traced from Code 1851 through the different Codes, the revision and the session laws since 1860.

The general form and arrangement of the Code Supplement of 1902 has been retained as nearly as possible, and the committee has endeavored to keep safely within the letter and the spirit of the act directing the work to be done, and to make the publication as nearly perfect as was possible and had no hesitancy in presenting the result of their labors as worthy the approval of the state.

We wish to commend the faithful and efficient work of the Code editor, Hon. C. N. Jepson, and acknowledge the many helpful suggestions and painstaking services of Mrs. C. A. Neidig, as proofreader. The "Supplement to the Code, 1907," covering as it did the work of six sessions of the General Assembly and the decisions of the Supreme Court since the publication of the Code in 1897, was far greater than the Legislature which directed its publication could have realized when the act under which the committee was appointed was passed, and it was absolutely impossible to strictly comply with the terms of the act as to the time when the first copies of the volume should be published, but the committee at all times crowded the work as fast as was consistent with obtaining good results and we believe all interested in the work done will commend it.

Contracts were made with Hon. Emory H. English, State Printer, and Hon. E. D. Chassell, State Binder, for the printing and binding of the Supplement and these contracts and that for the electrotype plates for the volume, together with the bonds securing the same, are now filed with and preserved by the Executive Council. The report of the state printer and state binder showing the completion of their work and the delivery of the

volumes and the electrotype plates, as required by law, have been filed with the committee.

The following is a summary of the account relative to the expense and cost of the "Supplement to the Code, 1907." The full itemized account is now in the books of the Executive Council and has been heretofore published.

Mileage and expense of members of committee	\$ 404.16
Paid for annotations; editor's salary; services of employes; editor's supplies	7,298.00
Paid for paper for Supplement	3,857.89
Paid for printing Supplement	7,240.00
Paid for binding Supplement	13,138.80
Paid for electrotype plates	1,476.38
Extra allowed for corrections and extra stock and supplies used by state printer	51.73
Total	<hr/> \$33,466.96

The above report is respectfully submitted.

GEO. W. DUNHAM,
S. W. DEWOLF,
J. L. WARREN,
E. W. WEEKS,
C. W. HACKLER,
C. G. SPARKS,

Code Supplement Supervising Committee.

Report ordered printed in the Journal.

On motion of Senator Nichols, House Concurrent Resolution, that ten thousand copies of the annual reports of the State Highway Commission for the year ending July 1, 1907, and for the year ending July 1, 1908, be printed in pamphlet form for distribution by said Highway Commission, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The Concurrent Resolution was read.

Senator Nichols moved that the Senate concur in the House Concurrent Resolution.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 7, a bill for an act to repeal Sections four hundred ninety-nine (499) and five hundred two (502) of the Code, and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy.

Also:

Senate File No. 145, a bill for an act authorizing the State of Iowa to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa River, providing for the maintenance thereof and making an appropriation therefor.

Also:

Senate File No. 197, a bill for an act to grant to certain officers and other employes of the state institutions under the control of the board of control of state institutions annual vacations with pay and to repeal Section fifty-seven hundred eighteen-a-29 (5718-a-29) and Section fifty-seven hundred eighteen-a-30 (5718-a-30) of the Supplement to the Code, 1907.

Also:

Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 7, a bill for an act to repeal Sections four hundred ninety-nine (499) and five hundred two (502) of the Code, and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy.

Also:

Senate File No. 145, a bill for an act authorizing the State of Iowa to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa River, providing for the maintenance thereof and making an appropriation therefor.

Also:

Senate File No. 197, a bill for an act to grant to certain officers and other employes of the state institutions under the control of the board of

control of state institutions annual vacations with pay and to repeal Section fifty-seven hundred eighteen-a-29 (5718-a-29) and Section fifty-seven hundred eighteen-a-30 (5718-a-30) of the Supplement to the Code, 1907.

Also:

Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 38, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas moved that the substitute be substituted for the original bill.

Carried.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend Section 3 of the substitute as it appears in the Journal by striking out all of said section before the word "the" that precedes the word "attorney" in the sixth line thereof.

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend the substitute by striking out all of Section Four (4).

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend the substitute by striking out Section Number Five (5) and substituting the following therefor:

SEC. 4. For the purpose of carrying into effect the provisions hereof, the Attorney General is hereby authorized and directed to appoint an assistant who shall be known as the commerce counsel, whose salary shall be three thousand dollars (\$3,000.00) per year; and the said commerce counsel shall have reimbursed to him all actual and necessary traveling expenses incurred in the discharge of his official duties. The said Attorney General is further authorized and empowered to appoint and at pleasure remove such additional clerical assistants as may be necessary, subject to the approval and authorization of the Executive Council.

Said commerce counsel, when not engaged in his special duties, shall assist in any duties of the Attorney General. The Attorney General may remove said commerce counsel 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.

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend the substitute by renumbering Section 6 as Section 5.

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend the substitute by striking out Section Number Seven (7).

Adopted.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

Amend the substitute by renumbering Section 8, Section 6.

Adopted.

Further consideration of the bill was postponed.

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

Senator Bruce offered the following resolution which was laid over under the rules:

Resolved, That on and after Saturday, April 3, 1909, the calendar of the Senate shall be made up of the bills undisposed of in the order in which they appear on the calendar of April 2 and the bills shall be added thereto in the order in which they may be presented for consideration thereafter and the President of the Senate shall each day call the bills in the regular order in which they appear upon the calendar and any bill passed shall go to the foot of the calendar.

Be it Further Resolved, That on and after Saturday, April 3, 1909, no Senator shall speak more than once nor to exceed ten minutes on any pending bill or proposition before the Senate except that the author of any pending bill may have an additional ten minutes to close the discussion.

The terms of this resolution cannot be waived by unanimous consent, but may be by two-thirds vote of the Senate.

Appropriation bills shall not be subject to the provisions of this resolution, but may be called up at any time for consideration.

Senator Gates offered the following Concurrent Resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring, That a joint convention be held in the House Chamber on Friday, April 2, 1909, at 11:30 o'clock A. M., for the purpose of electing regents for the state university, trustees for the college of agriculture and mechanic arts and for the state normal college, and for the transaction of such other business as may properly come before such joint convention.

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. 207, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making appropriation therefor.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEE.

Senator Francis, 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. 296, a bill for an act to repeal Sections 2563-a, title twelve (12) of the Code and Supplement to the Code, relative to the care and propagation of fish, beg leave to report they have had the same under consideration and recommend the same do pass.

L. E. FRANCIS,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred House File No. 396, a bill for an act to repeal Sections 2563-a, 2563-b, 2563-c, 2563-d, 2563-e, 2563-f, 2563-g, 2563-h of the Supplement to the Code, and to enact in lieu thereof the following relating to protection of game, beg leave to report they have had the same under consideration and recommend the same do pass.

L. E. FRANCIS,
Chairman.

Ordered passed on file.

HOUSE MESSAGE CONSIDERED.

House File No. 207, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.

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

Senator Adams moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

On request, Senators Chapman and Moon were granted leave of absence for the afternoon.

PETITIONS AND MEMORIALS.

Senator Hunter presented petition from residents of Woodbury County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments, and Suffrage.

Senator Clark presented petition from residents of Poweshiek County, favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

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. 349, a bill for an act to create the Iowa State Drainage, Waterways and Conservation Commission and defining the powers and duties of the same.

C. R. BENEDICT,
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. 328, a bill for an act to provide for the supplying of electric light and power to military reservations of the United States in this state.

C. R. BENEDICT,
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. 172, a bill for an act to amend Section 1074 and Section 1075 of the Supplement to the Code, 1907, relating to the election of township trustees and township clerks.

C. R. BENEDICT,
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. 450, a bill for an act providing for the enumeration of deaf or blind persons additional to Chapter 1, Title 7, of the Code.

C. R. BENEDICT,
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. 329, a bill for an act to amend Section 469 of the Supplement to the Code, 1907, relative to the compensation of county supervisors.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 38, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Balkema, Burgess, Clarkson, Dowell, Fitchpatrick, Francis, Gates, Hammill, Hunter, Larrabee, Mattes, Parshall, Peterson, Ream, Seeley, Smith of Mitchell, Van Law, Whipple, White, Whiting—20.

The nays were:

Senators Adams, Allen of Pocahontas, Bennett, Brown, Bruce, Clark, De Armand, De Wolf, Foley, Frudden, Gilliland, Hoyt, McCulloch, McManus, Nichols, Proudfoot, Quigley, Sammis, Saunders, Smith of Des Moines, Stuckslager, Wilson—22.

Absent or not voting:

Senators Allen of Van Buren, Chapman, Cosson, Maytag, Moon, Savage, Taylor—7.

So the bill having failed to receive a constitutional majority was declared lost.

EXPLANATION OF VOTE.

Believing a large number of my constituents which I represent desire the passage of this bill, I vote aye, yet I seriously doubt the wisdom of such action.

W. B. SEELEY.

REPORTS OF COMMITTEES.

Senator Larrabee, from the Committee on Printing, submitted the following report:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 251, a bill for an act to amend the law as it appears in subdivision four (4) of Section one hundred thirty-eight (138) of the Supplement to the Code, 1907, and Section one hundred thirty-nine (139) of the Code, relating to printing, beg leave to report they have had the same under consideration and recommend the same do pass.

FREDERIC LARRABEE,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Printing, to whom was referred Senate File No. 24, a bill for an act to amend Section 441 of the 1907 Supplement to the Code relative to official newspapers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

FREDERIC LARRABEE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Smith of Mitchell, 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. 175, a bill for an act to amend Section 1303 of the Supplement to the Code, 1907, relating to levying of taxes by board of supervisors, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By adding to Section 1 the following: "Provided, further, that the levy for the purpose of providing an additional fund shall not exceed three mills on a dollar," and when so amended the bill do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your committee on Pharmacy, to whom was referred House File No. 185, a bill for an act to amend Chapter one hundred forty-two (142) of the Thirty-second General Assembly, relating to the sale of denatured alcohol and to enact an amendment thereto, beg leave to report they have had the same under consideration and recommend the same do pass.

GEORGE MCCULLOCH,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Parshall, Senate File No. 393, a bill for an act to amend the law as it appears in Section 480-b of the Supplement to the Code, 1907, relating to the duties of county auditors, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Parshall moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Cosson, Maytag, Moon, Savage—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where prostitution, fornication, or concubinage is allowed or practiced, and providing punishment for the violation thereof, was taken up and considered.

Senator Saunders moved that the Senate concur in the following House amendment:

Amend by inserting the enacting clause between the title and Section 1.

"Be it enacted by the General Assembly of the State of Iowa."

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

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Cosson, Maytag, Moon, Savage—6.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Clarkson, Senate File No. 334, a bill for an act to amend Section Thirty-three Hundred and Five (3305) Supplement to the Code, 1907, relative to the time of granting administration, was taken up and considered.

Senator Clarkson moved that the Senate concur in the following House amendments:

Amend by striking from the title the words "Supplement of" and the figures "1907" and inserting after the figures "3305" in the title the word "of."

Also amend Section 1 by striking out in the first and second lines thereof the words "of the Supplement to" and the figures "1907" and by inserting after the figures "3305" in said first line the word "of."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Nichols, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, Whiting, Wilson—35.

The nays were :

None.

Absent or not voting :

Senators Balkema, Bruce, Chapman, Cosson, Hunter, Mattes, Maytag, Moon, Parshall, Proudfoot, Saunders, Smith of Mitchell, Stuckslager, White—14.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Francis, House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication, was taken up and considered.

Senator Francis moved the adoption of the following report of the Conference Committee on House File No. 130:

MR. PRESIDENT—The Committee of Conference on the disagreeing votes of the House and Senate on the amendments of the Senate to the bill (House File No. 130) for an act relating to the distribution of laws becoming effective by publication, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered A, as shown on the original bill, and agree to the same, the effect of which is to strike out the word "daily" from the third line of Section two (2) of the original bill.

L. E. FRANCIS.

W. S. ALLEN.

J. L. WILSON.

Conferees on the Part of the Senate.

N. J. LEE,

T. O. HANSON.

GEO. W. CROZIER.

Conferees on the Part of the House.

On the question, "Shall the report of the Conference Committee be adopted?"

The ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Pochahontas, Bruce, Chapman, Clarkson, Cosson, Gilliland, Larrabee, Maytag, Moon, Savage, Stuckslager—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Taylor, Senate File No. 350, a bill for an act to prevent placing obstructions on the streets and highways and providing a penalty therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Taylor offered the following amendment and moved its adoption.

Amend Section 1 by inserting in the first line of the printed bill after the word "streets" and before the word "of" the words "and alleys."

Also amend by striking out the word "or" before the word "highways" in the last line of Section 1, and insert a comma, and after it the words "alleys and."

Adopted.

The bill was read for information.

Senator Taylor moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Bruce, Chapman, Cosson, Maytag, Moon, Parshall, Sammis, Savage, Stuckslager, White—12.

Senator Proudfoot offered the following amendment to the bill.

I move to amend the title by inserting the word “alleys” after the word “streets” in the first line thereof.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 415, a bill for an act to repeal Section Five Hundred Ninety-nine (599) and Section Six Hundred (600) of the Code, relating to the incorporation of towns, and enacting substitutes therefor relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relation thereto.

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

Senator Allen of Pocahontas moved that the request of the House for the return to the House of Senate File No. 164, be granted.

Carried.

On motion of Senator Bennett House File No. 208, a bill for an act to repeal Sections Twenty-five Hundred Seventy-a (2570-a), Twenty-five Hundred and Seventy-a-1 (2570-a-1), Twenty-five Hundred and Seventy-b (2570-b), and Twenty-five Hundred and Seventy-one (2571), of the Supplement to the Code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health, with report of committee was taken up and considered.

Senator Bennett moved the adoption of the following report of the conference committee on House File No. 208:

MR. PRESIDENT—Your Conference Committee to whom was referred House File No. 208, a bill for an act to repeal sections twenty-five hundred sixty-five (2565), twenty-five hundred sixty-eight (2568) of the Code and sections twenty-five hundred seventy-a (2570-a), twenty-five hundred seventy-a-1 (2570-a-1), twenty-five hundred seventy-b (2570-b), twenty-five hundred seventy-one (2571) and twenty-five hundred seventy-two (2572) of the Supplement to the Code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health and of local boards of health, and to enact substitutes therefor, having met and after full and free conference have agreed to recommend and do recommend the following amendments to the amended substitute, adopted by the Senate and to which the House refused to concur:

By striking out the following written words in section 1 interlined between lines twelve (12) and thirteen (13): "and such other contagious diseases as shall be necessary for the protection of the public health under the order of the State Board of Health."

By striking out all of the words beginning with the word "provided" in line twenty-nine (29) and ending with the word "board" in line thirty-four (34) on page two of the Senate substitute, and by inserting in lieu thereof the following:

"All fumigations and disinfections for the protection of the public health shall be done in accordance with the regulations of the State Board of Health and under the direction of the local board, which shall direct the attending physician to superintend or perform the work. In case there be no attending physician or in case the attending physician refuses to perform this duty, then it shall be the duty of the local board of health to provide some other suitable person to perform such work."

Your committee respectfully recommends that when so amended the House concur in the Senate amendment as amended by your conference

committee and that the Senate adopt the amendments proposed by this committee.

T. W. BENNETT,
JOHN T. CLARKSON,
J. A. DE ARMAND,
W. C. STUCKSLAGER,

Conference Committee on the Part of the Senate.

K. J. JOHNSON,
E. B. FULLIAM,
GEO. W. SCHEE,

Conference Committee on the Part of the House.

Adopted.

Senator Bennett moved that the Senate adopt, include in the bill and concur in the amendments recommended by the conference committee.

On the question, "Shall the Senate adopt, include in the bill and concur in the amendments to the bill as recommended by the conference committee?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Cosson, Dowell, Foley, Hunter, Mattes, Maytag, Moon, Parshall, Sammis, Savage, Stuckslager—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Clarkson moved that the House be requested to return to the Senate, Senate File No. 82.

Carried.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 145, 304, 7 and 197.

Senator Allen of Pocahontas filed the following motion:

I move to reconsider the vote by which Senate File No. 38 failed to pass the Senate and also the vote by which the same passed to its third reading.

J. H. ALLEN.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 7, a bill for an act to repeal Sections four hundred ninety-nine (499) and five hundred two (502) of the Code, and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy.

Also:

Senate File No. 145, a bill for an act authorizing the State of Iowa to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa River, providing for the maintenance thereof and making an appropriation therefor.

Also:

Senate File No. 197, a bill for an act to grant to certain officers and other employes of the state institutions under the control of the board of control of state institutions annual vacations with pay and to repeal Section fifty-seven hundred eighteen-a-29 (5718-a-29) and Section fifty-seven hundred eighteen-a-30 (5718-a-30) of the Supplement to the Code, 1907.

Also:

Senate File No. 304, a bill for an act requiring the proper equipment of locomotives used in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Smith of Des Moines moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M. to-morrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 2, 1909.

Senate met in regular session at 9:00 o'clock, A. M., President Clarke presiding.

Prayer was offered by the Rev. Charles P. Johnson of Des Moines, Iowa.

On request of Senate Proudfoot leave of absence was granted Senator Moon on account of sickness.

On request of Senator Proudfoot, leave of absence was granted Senator Chapman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Substitute for Senate File No. 266, a bill for an act to amend the law as it appears in Section 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly.

C. R. BENEDICT,
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. 347, a bill for an act to amend Section 2341-a, Supplement to the Code, 1907, relative to the requirements as to soundness of stallions kept for public service.

C. R. BENEDICT,
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. 455, a bill for an act to amend Section 2823-e of the Supplement to the Code, 1907, relating to probation officers.

C. R. BENEDICT,
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. 194, a bill for an act making an appropriation for the repair of the elevators and the installing of a fire pump in the State Capitol.

C. R. BENEDICT,
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. 434, a bill for an act giving cities and towns the power to prohibit or regulate the erection and maintaining of livery stables and garages.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Concurrent Resolution relative to furnishing certain employes of the Thirty-third General Assembly with codes, code supplements and session laws.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Concurrent Resolution relative to holding a joint convention April 2, 1909, at 11:30 o'clock A. M.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 329, a bill for an act to amend Section 469 of the Supplement to the Code, 1907, relative to the compensation of county supervisors.

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

House File No. 450, a bill for an act providing for the enumeration of deaf and blind persons additional to Chapter 1, Title 7, of the Code.

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

House File No. 172, a bill for an act to amend Section 1074 and Section 1075 of the Supplement to the Code, 1907, relating to the election of township trustees and township clerks.

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

House File No. 328, a bill for an act to provide for the supplying of electric light and power to military reservations of the United States in this state.

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

House File No. 349, a bill for an act to create the Iowa State Drainage, Waterways and Conservation Commission and defining the powers and duties of the same.

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

Substitute for Senate File No. 266, a bill for an act to amend the law as it appears in Section 850-c of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section 852 of the Code as amended by Chapter 43 of the Acts of the Thirty-second General Assembly.

Passed on file.

House File No. 347, a bill for an act to amend Section 2341-a, Supplement to the Code, 1907, relative to the requirements as to soundness of stallions kept for public service.

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

House File No. 455, a bill for an act to amend Section 2823-e of the Supplement to the Code, 1907, relating to probation officers.

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

House File No. 194, a bill for an act making an appropriation for the repair of the elevators and installing of a fire pump in the state capitol.

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

Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

Passed on file.

House File No. 434, a bill for an act giving cities and towns the power to prohibit or regulate the erection and maintaining of livery stables and garages.

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

HOUSE CONCURRENT RESOLUTION.

Resolved by the House, the Senate concurring, That the First Assistant Clerk of the House, Reading Clerk of the House, First Assistant Secretary of the Senate and Second Assistant Secretary of the Senate be furnished with a copy of the Code, Supplement to the Code and Session Laws of the Thirty-third General Assembly of the State of Iowa.

Passed on file.

Senate Concurrent Resolution relative to holding a Joint Convention April 2 at 11:30 o'clock A. M.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 290, a bill for an act to repeal Section Twenty-eight Hundred Twenty-a (2820-a), Twenty-eight Hundred Twenty-b (2820-b), Twenty-eight Hundred Twenty-c (2820-c) and Twenty-eight Hundred Twenty-d (2820-d) of the Supplement to the Code, 1907, relative to the limit of indebtedness of independent school districts, and to enact a substitute therefor, was taken up and considered.

Senator Dowell moved that the Senate concur in the following House amendments:

Amend Section One (1) by striking from lines six and seven the following words: "any incorporated town or."

Also amend Section One (1) by striking from line seven the following: "of the first or second class" and inserting in lieu thereof the following: "having a population of sixty-five thousand or more."

Also amend Section Two (2) by striking from the fourth line the following words: "forty per cent of the qualified electors," and inserting in lieu thereof the following: "a number of qualified electors equal to forty (40) per cent of the number."

Also amend Section Four (4) by striking from line one the following words: "sixty (60) per cent or more," and inserting in lieu thereof the following: "a majority."

On the question, Shall the Senate concur in the House amendments?

The ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, De Armand, Dowell, Fitchpatrick, Foley, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting—36.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Chapman, Clarkson, Cosson, De Wolf, Francis, Moon, Proudfoot, Seeley, Smith of Mitchell, Stuckslager, Wilson—13.

So the House amendments having received a constitutional majority were declared concurred in.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 399, a bill for an act providing for the releasing or satisfying of recorded mortgages by corporations, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 399.

A Bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations, and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Section three thousand sixty-eight (3068) of the Code is hereby repealed and the following enacted in lieu thereof:

SEC. 2. The use of private seals in written contracts, or other instruments in writing, by individuals, firms, or corporations that have not adopted a corporate seal, is hereby abolished; and the addition of a seal to any such instrument shall not affect its character or validity in any respect; but in the execution of any written instrument conveying, encumbering or affecting real estate by a corporation that has adopted a corporate seal the seal of such corporation shall be attached or affixed to such written instrument, or if the corporation has not adopted a corporate seal such fact shall be stated in such written instrument, except that it shall not hereafter be necessary to attach or affix the corporate seal to any release or satisfaction of any mortgage, judgment or other lien, that is made or entered by any corporation on the page or pages of the official record where any such lien appears recorded or entered, but the officer executing such release or satisfaction shall therein certify that same is executed with authority of the board of directors of such corporation, and the county recorder or deputy shall attach thereto a statement showing the relation such officer then bears to the corporation, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute read first and second time and passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 162, a bill for an act to repeal Section one thousand one hundred eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred eighty-eight (1188) of the Code and to enact a Substitute therefor, to repeal Section one thousand one hundred ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 411, a bill for an act providing for the punishment of any person who shall use in reference to and in the presence of another abusive or obscene language or in any other way harrass or follow after another in a manner tending to provoke an assault or any breach of the peace, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 373, a bill for an act to amend Section three hundred thirty-seven (337) of the Supplement to the Code, 1907, relating to the selection of jury lists, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 213, a bill for an act prohibiting certain classes of advertisements, and providing a penalty for violation thereof, beg leave to report they have had the same under consideration and recommend the same be referred to committee on Public Health.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was referred to the Committee on Public Health.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 428, a bill for an act to amend the law as it appears in Section four hundred twelve (412), Supplement to the Code, 1907, relative to the meeting of the board of supervisors, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 90, a bill for an act to amend Section five thousand and forty (5040) of the Code relating to breach of the Sabbath, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Seeley, 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. 133, a bill for an act to amend Section 2574 of the Code providing for an increase in the salary of the Secretary of the State Board of Health, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the word "twenty-five" in the fifth line of the original bill and inserting the word "fifteen" in lieu thereof, and when so amended the bill do pass.

W. B. SEELEY,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 15, a bill for an act to repeal Section 481 of the Code relating to the compensation of deputy auditors and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Compensation of Public Officers, to whom was referred House File No. 14, a bill for an act to repeal Section 491 of the Code relating to the compensation of deputy treasurers, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. B. SEELEY,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator De Armand, House File No. 31, a bill for an act to amend Section Five Hundred and Ninety (590) of the Code, relating to the compensation of township trustees, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator De Armand moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator De Armand moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bruce, Burgess, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, Whiting—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Brown, Chapman, Clarkson, Cosson, Dowell, Francis, Moon, Smith of Mitchell, Stuckslager, White, Wilson—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Bruce asked unanimous consent to take up for consideration the resolution offered by him yesterday with reference to the manner and order of consideration of bills after April 3, 1909.

Senator Bruce moved the adoption of the resolution.

Senator Hammill moved that the resolution be laid on the table.

Carried.

On motion of Senator Whipple, Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind, was taken up and considered.

Senator Whipple moved that the Senate concur in the following House amendment:

Amend Section One by striking from line one the word "seven" and inserting in lieu thereof the word "twelve"; also by striking from line two the word "seventeen" and inserting in lieu thereof the word "nineteen."

On the question, Shall the Senate concur in the House amendment?

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Chapman, Clarkson, Cosson, Hunter, Moon, Quigley, Sammis, Stuckslager, White, Whiting, Wilson—13.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator De Wolf, Senate File No. 99, a bill for an act to amend the law as it appears in Section Twenty-six Hundred and Seventy-five (2675) of the Code, 1907, by providing an official name for the State Normal School at Cedar Falls, was taken up and considered.

Senator De Wolf moved that the Senate concur in the following House amendment:

Amend by striking out the word "Normal" in line 6 of Section 1 and inserting in lieu thereof the word "Teachers."

On the question, Shall the Senate concur in the House amendment?

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bruce, Burgess, Clark, De Armand, De Wolfe, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—33.

The nays were:

Senators Adams, Balkema, Bennett, Brown, Francis, McCulloch, Proudfoot, Taylor—9.

Absent or not voting:

Senators Chapman, Clarkson, Cosson, Moon, Nichols, Stuckslager, White—7.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator De Wolf, House Joint Resolution No. 2, providing for and empowering the Board of Regents of the State University, the Trustees of the Iowa College of Agriculture and Mechanic Arts and the Trustees of the Iowa State Normal School to make application for the admission of these State institutions to the rights and privileges of the Carnegie Foundation for the advancement of teaching and to receive the same, was taken up and considered.

Senator De Wolf moved the adoption of the following amendment:

Move to amend the title by striking out the words, "Iowa State Normal School" in line four (4) thereof and by inserting in lieu thereof the following: "State Teachers College at Cedar Falls."

Adopted.

The Joint Resolution was read for information.

Senator De Wolf moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Chapman, Clarkson, Cosson, Moon, Parshall, Smith of Mitchell, Stuckslager, Whipple—10.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Pocahontas, House File No. 182, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission, and providing additional funds therefor, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

Senator Allen of Pocahontas moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Chapman, Clarkson, Cosson, Francis, Moon, Parshall, Ream, Smith of Des Moines, Smith of Mitchell, Whipple—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Pocahontas, Senate File No. 109, a bill for an act authorizing the extension of the traveling library and other activities of the Iowa Library Commission, and providing additional funds therefor, was taken up and considered.

Senator Allen of Pocahontas moved that the bill be indefinitely postponed.

Carried.

On motion of Senator Proudfoot, Senate File No. 237, a bill for an act to provide terms and qualifications for admission to the collegiate department of the State University of Iowa, the State College of Agriculture and Mechanic Arts at Ames, and the State Normal School at Cedar Falls, and repealing parts of acts in conflict therewith, with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Smith of Mitchell, Senate File No. 261, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles; also to amend Section Five Thousand Six Hundred Twenty-six (5626) of the Code, relating to pardons and the revision of fines and forfeitures, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Smith of Mitchell moved the adoption of the following amendment:

Amend the bill by striking out Section 1 and 3, and renumbering "Section 2" to read "Section 1."

Adopted.

The bill was read for information.

Further consideration of the bill was postponed.

On motion of Senator Saunders, Senate File No. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments, and the use and leasing of real property therefor, and providing a penalty for the violation thereof, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Chapman, Cosson, De Wolf, Foley, Frudden, Gates, Moon, Parshall, Quigley, Smith of Des Moines, Stuckslager, Whipple—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Mattes, Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend Section 1 by adding thereto the following: "Provided futher, that all persons otherwise entitled to admission to the home, whose income does not exceed twenty dollars (\$20) per month, shall be admitted to the Iowa Soldiers' Home, without any part of their pension being paid to the State for their support, and when such income shall exceed twenty dollars (\$20) per month they may be admitted to such home upon the payment to the support fund of the said home, of all their said income in excess of twenty dollars (\$20) per month and not in excess, in any instance, of the cost of their support in such home, provided there is no person legally dependent upon such person who has need of such excess for support and maintenance."

Adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, De

Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Balkema, Chapman, Cosson, Frudden, Gilliland, Moon, Parshall, Quigley, Seeley, Smith of Mitchell, Whipple—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Pocahontas, Senate File No. 357 a bill for an act relating to the compensation of the Superintendent of Public Instruction, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Pocahontas moved the adoption of the following amendment.

Amend the title of the same by striking out the title as it appears in the bill and inserting the following in lieu thereof: "A bill for an act to amend the law as it appears in Section Twenty-six Hundred and Twenty-seven (2627) of the Supplement to the Code, 1907, relating to the compensation of the Superintendent of Public Instruction."

Adopted.

Senator Mattes offered the following amendment and moved its adoption:

I move to amend by striking out the words and figures "three thousand (3000)" in line 4 of the printed bill and insert the words and figures "twenty-five hundred (2500)" in lieu thereof.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen of Van Buren, Brown, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Ream, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whiting, Wilson—15.

The nays were:

Senators Allen of Pocahontas, Balkema, Bruce, Burgess, Clarkson, De Wolf, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Parshall, Proudfoot, Sammis, Savage, Seeley, Stuckslager, White—21.

Absent or not voting:

Senators Adams, Bennett, Chapman, Clark, Cosson, De Armand, Dowell, Frudden, McManus, Moon, Quigley, Saunders, Whipple—13.

So the amendment was lost.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Adams, Bruce, Burgess, Clark, Clarkson, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Parshall, Peterson, Proudfoot, Sammis, Seeley, White—23.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Larrabee, Mattes, Maytag, Nichols, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whiting, Wilson—13.

Absent or not voting:

Senators Balkema, Bennett, Chapman, Cosson, De Armand, Dowell, Moon, Quigley, Ream, Saunders, Savage, Taylor, Whipple—13.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator Allen of Pocahontas, Senate File No. 210, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), of the Supplement to the Code, 1907, relating to the filing of transcripts in appeals from drainage assessments, with report of committee recommending substitute and passage, was taken up, considered. and the report of committee adopted.

Further consideration of the bill was postponed.

On motion of Senator Saunders, House File No. 54, a bill for an act to repeal Section Twenty-one Hundred and Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved the adoption of the following amendments:

That the title of said bill be stricken out and the following substituted therefor, to-wit:

“A bill for an act to amend Section Two Thousand One Hundred Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners and to provide for the time when said rules, orders, or regulations shall take effect,” and that the said bill be further amended by adding thereto the following:

“Sec. 3. The time for the taking effect of any rule, order or regulation affecting public rights, made by the Board of Railroad Commissioners as provided herein, may, in its discretion, be extended and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay.”

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by adding the following to Section 3: “When any railroad shall fail upon appeal to secure a vacation of the order from which it has appealed, it may apply to the court in which said appeal is finally adjudicated for an order remitting the penalty which has accrued during the pendency of the appeal and upon a satisfactory showing that said appeal has been prosecuted in good faith and not for the purposes of delay, such court may remit the penalty that has accrued during the pendency of the appeal.”

Further consideration of the bill was postponed.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The President announced that the Senate would proceed to the House for the purpose of Joint Convention under the direction of the Sergeant-at-Arms.

Senate proceeded to the House.

JOINT CONVENTION.

In accordance with law and Concurrent Resolution duly adopted, the joint session was called to order, Lieutenant Governor Geo. W. Clarke, President of the Senate, presiding.

The roll was then called to ascertain the presence of a quorum.

Those present were :

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Arney, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Beery, Blackmore, Boe, Boettger, Boomgaarden, Bowman, Brandes, Brown, Bruce, Burgess, Burt, Byerly, Calkins, Cassady, Clark, Cooper, Cousins, Cunningham, Dabney, Dalby, Darrah, Davidson, Dawson, De Armand, Derrough, Dewell, Dewey, DeWitt, Dodds, Dowell, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick, Felt, Fenn, Finlayson, Foley, Fourt, Fox, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harding, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Inman, Jewell, Johnson, Kellogg, Kendall, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McDonald, Mattes, Maytag, Meredith, Miller of Bremer, Miller of Dubuque, Moore of Wapello, Moore of Linn, Newell, Nichols, O'Connor, Parshall, Penn, Perkins, Peterson, Proudfoot, Ream, Reaney, Reitz, Ripley, Ritter, Sammis, Sankey, Saunders, Savage, Schee, Schroeder, Schulte, Seeley, Sheldon, Smith of Des Moines, Smith of Mitchell, Smith of Wright, Stillman, Stoddard, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Thompson, Tilton, Van Law, Ward, Welden, Whipple, White, of Iowa, White of Story, Whiting, Wilson of Clinton, Wilson of Tama, Wolfe, Zeller, Mr. Speaker—138.

Those absent were :

Bennett, Bonwell, Chapman, Clarkson, Cosson, Corrie, Crummer, Crozier, De Wolf, Frudden, Jacobs, Jones, Klay, McCleery, McCulloch, McManus, Marston, Moon, Quigley—19.

President Clarke declared that a quorum being present the Joint Convention was duly organized.

President Clarke appointed Senator Sammis as teller on part of the Senate and Speaker Feely appointed Larrabee of Fayette as teller on part of the House.

Stillman of Greene made the following nominations:

Mr. President—To fill vacancies on the Board of Regents of the State University, occasioned by the resignation of Hon. Charles E. Pickett of Black Hawk County, and the death of Hon. Thos. D. Healy of Webster County, I place in nomination Hon. Fred O. Newcomb of Butler County and Hon. Carl F. Kuehnle of Crawford County for the term expiring July 1, 1909.

To fill vacancies on the Board of Trustees of the State Normal School, occasioned by the death of Hon. W. A. McIntire of Wapello County and the resignation of Hon. Geo. W. Clarke of Dallas County, I place in nomination Hon. W. H. Harwood of Polk County and Hon. William C. Howell of Lee County for the term expiring July 1, 1909.

There being no other nominations, Stillman of Greene offered the following resolution:

RESOLUTION.

Resolved, That Fred O. Newcomb, of Butler County, and Carl F. Kuehnle, of Crawford County, be elected regents of the State University for the term expiring July 1, 1909; also that W. H. Harwood of Polk County, and William C. Howell, of Lee County, be elected trustees of the State Normal School for the term expiring July 1, 1909.

Roll call ordered.

On the question, "Shall the above mentioned persons be elected to the offices designated?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Van Buren, Allred, Anderson, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Beery,

Bennett, Blackmore, Boe, Boettger, Bonwell, Boomgaarden, Bowman, Brandes, Brown, Bruce, Byerly, Calkins, Cassady, Clark, Cooper, Cousins, Crummer, Crozier, Cunningham, Dabney, Dalby, Darrah, Davidson, Dawson, De Armand, Derrough, Dewell, Dewey, DeWitt, Dodds, Dowell, Drury, Dye, Elliott, Ellis, Etter, Fitchpatrick, Felt, Fenn, Finlayson, Foley, Fourt, Fox, Francis, Fulliam, Fulton, Gates, Gilliland, Goodykoontz, Grier, Hackler, Hammill, Hanson, Harvey, Hickenlooper, Holmes, Hoyt, Huffaker, Hunter of Polk, Hunter of Woodbury, Ide, Johnson, Jones, Kellogg, Kendall, Klay, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lee, McCleery, McCulloch, Mattes, Maytag, Meredith, Miller of Dubuque, Moore of Wapello, Newell, Nichols, O'Connor, Parshall, Penn, Perkins, Peterson, Proudfoot, Ream, Reaney, Reitz, Ripley, Ritter, Sammis, Sankey, Saunders, Savage, Schee, Schroeder, Schulte, Seeley, Sheldon, Smith of Mitchell, Smith of Wright, Stillman, Stoddard, Stuckslager, Sullivan, Swan, Swift, Taylor, Tegeler, Van Law, Welden, Whipple, White of Iowa, Whiting, Wilson of Clinton, Wilson of Tama, Wolfe, Zeller, Mr. Speaker—131.

The nays were:

None.

Absent or not voting:

Arney, Burgess, Burt, Chapman, Clarkson, Cosson, Corrie, De Wolf, Frudden, Harding, Inman, Jacobs, Jewell, McDonald, McManus, Marston, Miller of Bremer, Moon, Moore of Linn, Quigley, Smith of Des Moines, Thompson, Tilton, Ward, White of Story—26.

President Clarke declared that F. O. Newcomb and Carl F. Kuehnle having received a majority of all the votes cast and a majority of all the votes of the Joint Convention were duly elected as members of the State University Board of Regents for the term ending July 1, 1909.

President Clarke declared that William C. Howell and W. H. Harwood having received a majority of all the votes cast and a majority of all the votes of the Joint Convention was duly elected as a member of the Board of Trustees of the State Normal School for the term ending July 1, 1909.

The following certificates of election were signed and read in the presence of the Joint Assembly:

STATE OF IOWA,

HALL OF THE HOUSE OF REPRESENTATIVES.

DES MOINES, APRIL 2, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in joint convention, on the second day of April, A. D. 1909, for the purpose of electing the officers of the various State institutions, Wm. C. Howell, of Keokuk, Lee County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as member of the Board of Trustees of the Iowa State Normal School for the term ending July 1, 1909.

Signed in the presence of the joint convention, this second day of April, A. D. 1909.

GEO. W. CLARKE,
President of the Senate.

GUY A. FEELY,
Speaker of the House of Representatives.

J. U. SAMMIS,
Teller on the Part of the Senate.

WM. LARRABEE, JR.,
Teller on the Part of the House.

C. R. BENEDICT,
Clerk of the Joint Convention.

STATE OF IOWA,

HALL OF THE HOUSE OF REPRESENTATIVES.

DES MOINES, JANUARY 20, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in joint convention, on the 20th day of January, A. D. 1909, for the purpose of electing the officers of the various State institutions, Carl F. Kuehnle of Denison, Crawford County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as Regent of the State University for the term ending July 1, 1909.

Signed in the presence of the joint convention, this twentieth day of January, A. D. 1909.

GEO. W. CLARKE,
President of the Senate.

GUY A. FEELY,
Speaker of the House of Representatives.

J. U. SAMMIS,
Teller on the Part of the Senate.

WM. LARRABEE, JR.,
Teller on the Part of the House.

C. R. BENEDICT,
Clerk of the Joint Convention.

STATE OF IOWA,

HALL OF THE HOUSE OF REPRESENTATIVES.

DES MOINES, APRIL 2, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in joint convention, on the second day of April, A. D. 1909, for the purpose of electing the officers of the various State institutions, F. O. Newcomb, having received a majority of all the votes cast for said office, was declared duly elected as member of the State University Board of Regents for the term ending July 1, 1909.

Signed in the presence of the joint convention, this second day of April, A. D. 1909.

GEO. W. CLARKE,
President of the Senate.

GUY A. FEELY,
Speaker of the House of Representatives.

J. U. SAMMIS,
Teller on the Part of the Senate.

WM. LARRABEE, JR.,
Teller on the Part of the House.

C. R. BENEDICT,
Clerk of the Joint Convention.

STATE OF IOWA,

HALL OF THE HOUSE OF REPRESENTATIVES.

DES MOINES, APRIL 2, A. D. 1909.

This is to certify that at an election by the two Houses of the Thirty-third General Assembly of the State of Iowa, in joint convention, on the second day of April, A. D. 1909, for the purpose of electing the officers of the various State institutions, W. G. Harwood of Des Moines, Polk County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected as member of the Board of Trustees of the Iowa State Normal School for the term ending July 1, 1909.

Signed in the presence of the joint convention, this second day of April, A. D. 1909.

GEO. W. CLARKE,
President of the Senate.

GUY A. FEELY,
Speaker of the House of Representatives.

J. U. SAMMIS,
Teller on the Part of the Senate.

WM. LARRABEE, JR.,
Teller on the Part of the House.

C. R. BENEDICT,
Clerk of the Joint Convention.

The minutes of the Joint Convention were read and approved.
Senator Smith moved that the Joint Convention be dissolved.

Motion prevailed.

Senate returned from the House.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 276, a bill for an act to amend the law as it appears in Section thirty-one hundred six (3106) of the Code, relating to limited partnerships, beg leave to report they have had the same under consideration and recommend the same be referred to Banks and Banking.

C. C. DOWELL,

Chairman.

Adopted.

So the bill was referred to the Committee on Banks and Banking.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 292, a bill for an act to repeal Section two thousand nine hundred forty-two-j (2942-j) of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 46, a bill for an act to provide for the punishment of persons responsible for or contributing to the delinquency of children, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 417, a bill for an act to repeal Section one thousand nine

hundred eighty-nine-a-forty-two (1989-a-42) to the Supplement to the Code, 1907, relative to the duties of the county auditor—and to the employment of additional help for county auditors in levee or drainage districts—and to the drainage record, and the enactment of a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
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 authorizing the execution on the part of the State of Iowa to Henry B. Jennings and Charles A. Beno a quit-claim deed to a part of Sections twenty-two (22) and twenty-seven (27), township seventy-six (76) north, range forty-four (44) west of the fifth principal meridian in Pottawattamie County, Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Whiting moved that the Senate do now adjourn until 1:30 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

PETITIONS AND MEMORIALS.

Senator Bennett presented remonstrance from citizens of Taylor and Adams Counties against the passage of the minimum rate law.

Referred to Committee on Insurance.

Senator Clark presented petition from citizens of South English, Iowa favoring the re-submission of the prohibitory amendment to the voters of Iowa.

Referred to Committee on Constitutional Amendments and Suffrage.

INTRODUCTION OF BILLS.

By Senator Whipple, Senate File No. 416, a bill for an act to prohibit free service and discriminatory rates for telephone and telegraph service and providing a penalty therefor.

Read first and second time and referred to Committee on Telephone and Telegraph.

By Senator Whipple, Senate File No. 417, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-three (183) of the laws of the Thirty-first General Assembly relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.

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

By Senator Whipple, Senate File No. 418, a bill for an act providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same; prohibiting political influence and contributions by them and providing a penalty therefor.

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

Senator Sammis filed the following motion:

I move to reconsider the vote by which House File No. 292 was indefinitely postponed.

J. U. SAMMIS.

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. 267, a bill for an act to amend Section 2881-e of the Supplement to the Code, 1907, relating to the appropriation for the state library and historical department, reducing the appropriation and confining same to the state library.

C. R. BENEDICT,
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. 3, a bill for an act to create a legislative commission to examine the subject of taxation for state and local purposes and the expediency of revising and amending the laws relating thereto and making an appropriation therefor.

C. R. BENEDICT,

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. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns and special charter cities having organized fire departments, creating a fund from which to pay such persons and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

C. R. BENEDICT,

Chief Clerk.

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:

House Joint Resolution No. 7 for the appointment of a joint committee to purchase a chair and gavel for the Speaker of the House and the President of the Senate.

C. R. BENEDICT,

Chief Clerk.

THIRD READING OF BILLS.

Senate resumed consideration of House File No. 54, a bill for an act to amend Section 2119 of the Code relating to the enforcement of the rules, orders and regulations of the Railway Commissioners, and to enact a substitute therefor.

Senator Peterson offered the following amendment to the amendment offered by Senator Saunders.

I move to amend the amendment by inserting after the word "that" in line six thereof the following words: "the order appealed from was unreasonable or unjust, or that the power of the board to make the same laws doubtful and that."

On the adoption of the amendment to the amendment a roll call was demanded.

Those favoring the adoption of the amendment to the amendment were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Clarkson, Fitchpatrick, Francis, Frudden, Gates, Hunter, Larrabee, Mattes, Nichols, Parshall, Peterson, Ream, Seeley, Smith of Mitchell, Van Law, White, Whiting, Wilson—23.

The nays were:

Senators Clark, De Wolf, Gilliland, Hammill, McCulloch, Sammis, Saunders, Smith of Des Moines—8.

Absent or not voting:

Senators Adams, Bennett, Burgess, Chapman, Cosson, De Armand, Dowell, Hoyt, McManus, Maytag, Moon, Proudfoot, Quigley, Savage, Stuckslager, Taylor, Whipple—18.

So the amendment to the amendment was adopted.

Senator Mattes moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Clarkson, Dowell, Fitchpatrick, Francis, Gates, Hunter, Larrabee, McCulloch, Mattes, Nichols, Peterson, Proudfoot, Ream, Sammis, Seeley, Smith of Mitchell, Van Law, White, Whiting, Wilson—24.

The nays were:

Senators Parshall, Saunders—2.

Absent or not voting:

Senators Adams, Bennett, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Foley, Frudden, Gilliland, Hammill, Hoyt, McManus, Maytag, Moon, Quigley, Savage, Smith of Des Moines, Stuckslager, Taylor, Whipple—23.

So the bill having failed to receive a constitutional majority was declared lost.

INTRODUCTION OF BILLS.

By Senator Whipple, Senate File No. 419, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

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

By Senator Whipple, Senate File No. 420, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a Millage tax for the State Normal School and providing for the expenditure thereof.

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

By Senator Dowell, Senate File No. 421, a bill for an act conferring upon cities and towns organized under Chapter Fourteen-c Title V, of the Supplement to the Code, 1907, additional powers in connection with the granting of franchises for street railways, water works, electric light and gas plants.

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

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 261, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles; also to amend Section Five Thousand Six Hundred Twenty-six (5626) of the Code, relating to pardons and the revision of fines and forfeitures, was taken up and considered.

Senator Smith of Mitchell offered the following amendments and moved their adoption.

I move to amend Section One by inserting after the word "that" in line one of the printed bill as amended the words "the law as it appears in."

Also amend Section One by inserting the words "the Supplement to the" between the words "the" and "Code" in line one of the printed bill as amended.

Also by inserting a comma and the figures "1907" after the word "Code" in line one of the printed bill as amended.

Adopted.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Hammill, Hunter, Larrabee, Parrshall, Peterson, Proudfoot, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson
—28.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Chapman, Clarkson, Cosson, Dowell, Francis, Gilliland, Hoyt, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Quigley, Ream, Sammis, Saunders, Stuckslager, White—21.

Senator Smith of Mitchell offered the following amendment to the title and moved its adoption.

I move to amend the title by substituting the following for the title of the printed bill:

A bill for an act to amend the law as it appears in Section Five Thousand Six Hundred and Twenty-six (5626) of the Supplement

to the Code, 1907, relating to pardons and the remission of fines and forfeitures.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 207, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Taylor, Senate File No. 365, a bill for an act to provide for the payment of a bounty for the destruction of foxes, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

Senator Taylor moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Taylor moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell,

Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, McCulloch, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Wilson—31.

The nays were:

Senator Balkema—1.

Absent or not voting:

Senators Adams, Bennett, Chapman, Cosson, Gilliland, Hoyt, McManus, Mattes, Maytag, Moon, Ream, Saunders, Smith of Mitchell, Stuckslager, Whipple, White, Whiting—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator De Armand asked unanimous consent to call up for consideration the resolution offered by him yesterday relative to the consideration of bills reported for indefinite postponement.

Consent granted.

Senator De Armand offered the following amendment to the resolution and moved its adoption.

I move to amend by adding the following: "or such as have already been reported out of the committees and ordered to be placed on the calendar."

Adopted.

The resolution as amended was adopted.

On motion of Senator Allen of Pocahontas, House File No. 321, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-31 (4999-a-31) of the Supplement to the Code, Nineteen Hundred and Seven (1907), relating to Food Standard, with report of committee recommending passage, was taken, up considered, and the report of committee adopted.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Parshall, Peterson, Quigley, Seeley, Smith of Des Moines, Taylor, Van Law, White, Whiting, Wilson—31.

The nays were:

Senators Adams, Balkema, Savage—3.

Absent or not voting:

Senators Chapman, Cosson, Dowell, Gates, Gilliland, Hoyt, McManus, Moon, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Stuckslager, Whipple—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Taylor, House File No. 121, a bill for an act to amend Section Fifteen Hundred and Seventy (1570) of the Supplement to the Code, 1907, to provide for the trimming of hedges and the growing of osage posts, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

By unanimous consent the substitute recommended by the committee was withdrawn.

Senator Taylor moved the adoption of the following amendment:

By adding as Section 2: That said Section be further amended by adding after the comma (,) following the word township in the fifth line of said Section the following: "provided, however, that the owner of said fence may grow on the average three (3) trees to the rod, for posts, on condition that he keep the underbrush to said trees trimmed up to a height of three (3) feet above the height they are required to be trimmed by said Section."

Adopted.

Senator Taylor moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Clark, De Armand, De Wolf, Fitchpatrick Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Matthes, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whiting, Wilson—31.

The nays were:

Senators Brown, Larrabee, McCulloch, Quigley, White—5.

Absent or not voting:

Senators Bennett, Chapman, Cosson, Clarkson, Dowell, Hoyt, McManus, Maytag, Moon, Saunders, Smith of Mitchell, Stuckslager, Whipple—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Parshall filed the following motion:

I move to reconsider the vote by which House File No. 54 was lost.

LYMAN B. PARSHALL.

On motion of Senator Van Law, Senate File No. 414, a bill for an act to amend Section 792 of the Code, relating to street improvements and special assessments therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Further consideration of the bill was postponed.

Senator Adams asked unanimous consent to have Senate File No. 351 made a Special Order for next Tuesday at 10:00 o'clock, A. M.

Consent granted.

On motion of Senator Fitchpatrick, Senate File No. 297, a bill for an act to amend the law as it appears in Section Ten Hundred Ninety (1090) of the Code, relating to the formation of election precincts, with report of committee recommending substitute and passage, was taken up, considered and the report of committee adopted.

Senator Fitchpatrick moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator Fitchpatrick moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Clark, Clarkson, De Armand, Dwell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Burgess, Chapman, Cosson, De Wolf, Hoyt, McCulloch, McManus, Moon, Saunders, Stuckslager—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Wolf, Senate File No. 353, a bill for an act authorizing Mutual Accident Insurance Companies or Associations incorporated under Title Nine (9) of the Code, to re-incorporate as stock companies, with report of committee recommending indefinite postponement, was taken up, considered, and the report of committee adopted.

So the bill was indefinitely postponed.

Senator Sammis moved that the Senate request the return from the House of House File No. 292.

Carried.

HOUSE MESSAGES CONSIDERED.

Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a Board of Trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

Passed on file.

House File No. 3, a bill for an act to create a legislative commission to examine the subject of taxation for state and local purposes and the expediency of revising and amending the laws relating thereto and making an appropriation therefor.

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

House File No. 267, a bill for an act to amend Section 2881-e of the Supplement to the Code, 1907, relating to the appropriation for the State Library and Historical Department, reducing the appropriation and confining the same to the State Library.

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

House Joint Resolution No. 7, for the appointment of a Joint Committee to purchase a chair and gavel for the Speaker of the House and the President of the Senate.

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

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

Senator Maytag moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 3, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Geo. P. Magill of Des Moines, Iowa.

On request of Senator Proudfoot leave of absence was granted Senator Bruce until Monday.

On request of Senator Wilson leave of absence was granted Senator Parshall until Monday.

On request of Senator Hammill leave of absence was granted Senator DeWolf until Monday.

On request of Senator Dowell leave of absence was granted Senator Van Law until Monday.

On request Senator Taylor was granted leave of absence until next Saturday.

Senator Smith of Mitchell offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Concurrent Resolution relative to publishing the report of the doings of the capital commission subsequent to the date of the report made to the governor on or about January 1, 1903.

WHEREAS, The report of the doings of the capital commission for the years 1903, 1904 and 1905 has not been printed, and,

WHEREAS, The original report was filed with the Senate by Governor A. B. Cummins, March 20, 1906, and no order was made for the printing of the same, and,

WHEREAS, The original report has been lost and only a carbon copy of the same now exists, and,

WHEREAS, there is frequent demand for access to the statistics contained in said report, therefore,

Be it Resolved by the Senate, the House Concurring: . . .

That the Secretary of State is hereby authorized to have printed in pamphlet form one thousand (1,000) copies of said report for general distribution.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House Concurrent Resolution petitioning Congress to create a bureau of mines.

C. R. BENEDICT,
Chief Clerk.

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:

House Joint Resolution No. 5, a joint resolution and memorial requesting congress, under the provisions of Article five of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and congress given power to enforce such prohibition by appropriate legislation.

C. R. BENEDICT,
Chief Clerk.

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:

House Joint Resolution No. 6, authorizing and recommending the pardon or parole of C. H. Woodward, now confined at Ft. Madison, Iowa.

C. R. BENEDICT,
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. 484, a bill for an act relating to the operation and regulation of state and savings banks authorizing the auditor of state to require a change of correspondents; to verify and reconcile the accounts and pass books of depositors, and to provide for annual meetings.

C. R. BENEDICT,
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. 485, a bill for an act to repeal Section 1875 of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and banking.

C. R. BENEDICT,
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. 439, a bill for an act to amend Section 1143 of the Code, relating to destruction of ballots.

C. R. BENEDICT,
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. 490, a bill for an act to legalize the incorporation of the town of Knierim, Calhoun County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

C. R. BENEDICT,
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. 378, a bill for an act giving to cities and towns, including cities acting under special charter, power to provide by ordinance for the trimming of trees along the public streets and sidewalks, and to assess the cost thereof to the owners of the abutting property.

C. R. BENEDICT,
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. 266, a bill for an act defining the management and activities of the historical department of Iowa, and making an appropriation for the permanent support thereof.

C. R. BENEDICT,
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. 234, a bill for an act to legalize the incorporation of the town of Merrill, Iowa, and the passage and adoption of its ordinances, resolutions and rules of health.

C. R. BENEDICT,
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. 383, a bill for an act to prohibit any person, company, partnership, association or corporation engaged in the business of lumber dealing or owning or operating yards, from combining or entering into any agreement, contract or trust, or pool, to fix the price at which lumber is to be sold, or to prevent the free action of competition in the buying of lumber, and to provide punishment for the violation of this act.

C. R. BENEDICT,
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. 482, a bill for an act legalizing the acts, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury County, Iowa.

C. R. BENEDICT,
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. 233, a bill for an act to legalize the adoption, passage and publication of ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa.

C. R. BENEDICT,
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. 391, a bill for an act providing for the planting of forest trees on lands owned by the county or state.

C. R. BENEDICT,
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. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, Van Buren County, Iowa.

C. R. BENEDICT,
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. 177, a bill for an act requiring persons, partnerships or corporations owning or operating street car systems to provide transparent shields for the platforms of certain street cars and providing a penalty for the violation of the requirements hereof.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor.

C. R. BENEDICT,
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. 31, a bill for an act requiring all corporations doing business within this state to make an annual report and pay an annual license fee to the Secretary of State.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Substitute for Senate File No. 137, a bill for an act to amend the law as it appears in Section 1467 of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemptions.

C. R. BENEDICT,
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. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

C. R. BENEDICT,
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. 269, a bill for an act amending the law as it appears in Section 1650 of the Code, relating to the re-incorporations of cemetery associations.

C. R. BENEDICT,
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. 233, a bill for an act to amend the law as it appears in Sections 850-c, 850-e and 850-f of the Supplement to the Code, 1907, relating to parks and park commissioners.

C. R. BENEDICT,
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. 329, a bill for an act to amend Section 1312 of the Code, relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity.

C. R. BENEDICT,
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. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the county of Pocahontas, and State of Iowa, in relation to the establishment, erection and maintaining and extension of water-works in said town, and the issuance of warrants of said town in payments therefor and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

C. R. BENEDICT,
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. 401, a bill for an act to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent. for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding five per cent. constitutional limit of the actual value of the taxable property in said city.

C. R. BENEDICT,
Chief Clerk.

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:

Substitute for Senate File No. 211, a bill for an act to repeal Section 3181 of the Supplement to the Code, 1907, relating to the right of divorced persons to re-marry within one year and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

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. 245, a bill for an act to amend Section 2588 of the Code, relating to the sale of drugs, medicines, poisons and chemicals, and providing for the sale of denatured alcohol, fly paper, concentrated lye, potash, and insecticides by persons other than registered pharmacists.

C. R. BENEDICT,
Chief Clerk.

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:

Substitute for Senate File No. 238, a bill for an act amending Section 2126 of the Code, relative to railroad rates.

C. R. BENEDICT,
Chief Clerk.

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. 273, a bill for an act to amend Section 2077-a of the Supplement to the Code, 1907, relating to the posting of bulletins.

C. R. BENEDICT,
Chief Clerk.

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. 248, a bill for an act to repeal Section 3688 of the Code, and to enact a substitute therefor, relating to challenges for cause.

C. R. BENEDICT,
Chief Clerk.

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. 276, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing the corporate seal thereto.

C. R. BENEDICT,
Chief Clerk.

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. 294, a bill for an act to amend Section 4625 of the Code, relating to the statute of frauds.

C. R. BENEDICT,
Chief Clerk.

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. 315, a bill for an act giving to cities and towns, including cities acting under special charters power to provide for ordinance for the trimming of trees along the public streets and sidewalks, and to assess the cost thereof to the owners of the abutting property.

C. R. BENEDICT,
Chief Clerk.

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. 97, a bill for an act to amend Section 297 of the Code, relating to the compensation of clerks of the district court.

C. R. BENEDICT,
Chief Clerk.

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:

Substitute for Senate File No. 117, a bill for an act to authorize the sheriff and county attorney when permitted by the Board of Supervisors, to employ the service of detectives and providing payment thereof.

C. R. BENEDICT,
Chief Clerk.

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. 328, a bill for an act to amend the law as it appears in Section 2113 of the Supplement to the Code, 1907, enlarging the powers of the railroad commissioners.

C. R. BENEDICT,
Chief Clerk.

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. 348, a bill for an act to repeal Section 69 of the Code, and to enact a substitute therefor, providing for a report by the Board of Parole, also to amend Section 293 of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section 475 of the Code, relating to the report of county auditors; also amending Section 5641 of the Code, relating to the duties of the sheriff.

C. R. BENEDICT,
Chief Clerk.

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. 143, a bill for an act to amend Section 2575 of the Code, relative to the appropriation to the State Board of Health.

C. R. BENEDICT,
Chief Clerk.

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:

Substitute for Senate File No. 33, a bill for an act to amend the law as it appears in Section 1467 of the Supplement to the Code, 1907, relating to the collection of a tax upon inheritances.

C. R. BENEDICT,
Chief Clerk.

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. 100, a bill for an act amending the law as it appears in Section 746 of the Supplement to the Code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, The great service rendered to agriculture and other national industries through investigations conducted by the national government through its various departments and bureaus has been of vast service in its industrial development, and,

WHEREAS, The frequently occurring accidents in mining operations and the unnecessary waste of our mineral resources showing great need that a similar service shall be rendered to the mining industry, now therefore be it

Resolved by the House, the Senate Concurring, That the Congress of the United States be urgently requested to specially enact the pending legislation creating a bureau of mines under the department of the interior, and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of State to the President of the Senate of the United States and to each Senator and Representative from Iowa in the Congress of the United States.

Passed on file.

Joint Resolution No. 5, a Joint Resolution and memorial requesting Congress under the provision of article five of the Constitution of the United State to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation.

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

House Joint Resolution No. 6, authorizing and recommending the pardon or parole of C. H. Woodward now confined at Ft. Madison, Iowa.

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

House File No. 484, a bill for an act relating to the operation and regulation of state and savings banks, authorizing the Auditor of State to require a change of correspondents; to verify and reconcile the accounts and pass books of depositors, and to provide for annual meetings.

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

House File No. 485, a bill for an act to repeal Section Eighteen Hundred Seventy-five (1875) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and Banking.

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

House File No. 439, a bill for an act to amend Section Eleven Hundred Forty-three (1143) of the Code relating to destruction of ballots.

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

House File No. 490, a bill for an act to legalize the incorporation of the town of Knierim, Calhoun County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

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

House File No. 378, a bill for an act giving to cities and towns including cities acting under special charters, power to provide by ordinance for the trimming of trees along the public streets and sidewalks and to assess the cost thereof to the owners of the abutting property.

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

House File No. 266, a bill for an act defining the management and activities of the historical department of Iowa and making an appropriation for the permanent support thereof.

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

House File No. 234, a bill for an act to legalize the incorporation of the town of Merrill, Iowa, and the passage and adoption of its ordinances, resolutions and rules of health.

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

House File No. 482, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury County, Iowa.

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

House File No. 233, a bill for an act to legalize the incorporation of the town of Hinton, Iowa, and the passage and adoption of its ordinances, resolutions and rules of health.

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

House File No. 391, a bill for an act providing for the planting of forest trees upon lands owned by the county or state.

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

Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren County, State of Iowa.

Substitute for Senate File No. 177, a bill for an act requiring the partial inclosure of platforms on street cars.

Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the

authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured, repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor.

Passed on file.

Senate File No. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State.

Passed on file.

Substitute for Senate File No. 137, a bill for an act to amend Section One Thousand Four Hundred and Sixty-seven (1467) of the Code, relative to assessment and collection of collateral inheritance tax.

Passed on file.

Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

Passed on file.

Senate File No. 269, a bill for an act amending the law as it appears in Section Sixteen Hundred Fifty (1650) of the Code, relating to the re-incorporations of cemetery associations.

Passed on file.

Senate File No. 233, a bill for an act to amend the law as it appears in Sections Eight Hundred Fifty-e (850-e), Eight Hundred Fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners.

Passed on file.

Senate File No. 329, a bill for an act to amend Section Thirteen Hundred Twelve (1312) of the Code, relating to the listing of property for taxation by persons acting in a fiduciary capacity.

Passed on file.

Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas, and the town council of said incorporated town, in the County of Pocahontas and State of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water works in said town, and the issuance of warrants to said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

Passed on file.

Senate File No. 401, a bill for an act to legalize the acts of the city council and mayor of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.

Passed on file.

Substitute for Senate File No. 211, a bill for an act to repeal Section Thirty-one Hundred Eighty-one (3181) of the Supplement to the Code, 1907, relating to the right of divorced persons to remarry within one year, and to enact a substitute therefor.

Passed on file.

Senate File No. 245, a bill for an act to amend Section Two Thousand Five Hundred Eighty-eight (2588) of the Code, relating to the sale of drugs, medicines, poisons and chemicals, and providing for the sale of concentrated lye, potash, and insecticides by persons other than registered pharmacists.

Passed on file.

Substitute for Senate File No. 238, a bill for an act amending Section Two Thousand one Hundred and Twenty-six (2126) of the Code, relative to railway rates.

Passed on file.

Senate File No. 273, a bill for an act to amend Section Two Thousand Seventy-seven-a (2077-a) of the Supplement to the Code, 1907, relating to the posting of bulletins.

Passed on file.

Senate File No. 248, a bill for an act to repeal paragraph five (5) of Section Thirty-six Hundred Eighty-eight (3688) of the Code and to enact a substitute therefor, relating to challenges for cause.

Passed on file.

Senate File No. 276, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

Passed on file.

Senate File No. 294, a bill for an act to amend Section Forty-six Hundred and Twenty-five (4625) of the Code relating to the statute of frauds.

Passed on file.

Senate File No. 315, a bill for an act giving to cities and towns, including cities acting under special charters, power to provide by ordinance for the trimming of trees along the public streets and sidewalks, and to assess the cost thereof to the owners of the abutting property.

Passed on file.

Senate File No. 97, a bill for an act to amend the law as it appears in Section Two Hundred and Ninety-seven (297) of the Code relating to the compensation of clerks of the district court.

Passed on file.

Substitute for Senate File No. 117, a bill for an act to authorize the sheriff and county attorney, when permitted by the board of supervisors, to employ the service of detectives, and providing for payment therefor.

Passed on file.

Senate File No. 143, a bill for an act to amend Section Twenty-five Hundred and Seventy-five (2575) of the Code, relative to the appropriation to the State Board of Health.

Passed on file.

Substitute for Senate File No. 33, a bill for an act to amend Chapter Four (4), Title Seven (7), of the Code, relating to the collection of a tax upon inheritances.

Passed on file.

Senate File No. 328, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred and Thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the railroad commission.

Passed on file.

Senate File No. 348, a bill for an act to repeal Section Sixty-nine (69) of the Code and to enact a substitute therefor, providing for a report by the Board of Parole, also to amend Section Two Hundred and Ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section Four Hundred Seventy-five (475) of the Code relating to the report of county auditors; also amending Section Five Thousand Six Hundred and Forty-one (5641) of the Code, relating to the duties of sheriff.

Passed on file.

Senate File No. 100, a bill for an act amending Section Seven Hundred and Forty-six (746) of the Supplement to the Code relating to contracts and expenditures from the water works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water works.

Passed on file.

REPORTS OF COMMITTEES.

Senator Stuckslager, from the Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 276, a bill for an act to amend the law as it appears in Section thirty-one hundred six (3106) of the Code, relating to limited partnerships, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,

Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 483, a bill for an act to repeal Sections 1846, 1847, 1849, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1867 of the Code, and Sections 1848, 1850, 1850-a, 1869, 1871 of the Supplement to the Code, 1907, and to repeal Sections 1845, 1866, 1872 of the Code, and Sections 1855 and 1873 of the Supplement to the Code, 1907, and enact substitutes therefor relating to banks and banking, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 273, a bill for an act to authorize the Commandant of the Soldiers' Home to sell effects of deceased soldiers, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 57, a bill for an act to repeal paragraph four (4) of Section eighteen hundred fifty (1850) of the Supplement to the Code, and to enact a substitute therefor, relating to the investment of funds of savings banks, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Mattes, from the Committee on Telegraphs and Telephones, submitted the following report:

MR. PRESIDENT—Your committee on Telegraphs and Telephones, to whom was referred House File No. 21, a bill for an act to amend Section twenty-one hundred sixty-five-a (2165-a) and twenty-one hundred sixty-five-b (2165-b) of the Code Supplement, pertaining to the duty of express companies maintaining an office at or near the business center of cities and towns, and the duty of the railroad commissioners as to the same,

beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOSEPH MATTES,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Telegraphs and Telephones, to whom was referred Senate File No. 135, a bill for an act compelling telephone central offices operating in the same city, town or village, to make and maintain a physical connection and regulate toll therefor, and publish telephone directories for distribution to the public, and providing penalty for failure to comply, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOSEPH MATTES,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your committee on Schools, to whom was referred House File No. 424, a bill for an act to amend Section 2823-a of the Supplement to the Code, 1907, relating to education, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Schools, to whom was referred House File No. 418, a bill for an act to amend Section 2626 of the Code and Section 2734-q of the Supplement to the Code, 1907, relating to the support of county teachers' institutes, beg leave to report they have had the same under consideration and recommend the same be referred to the committee on Appropriations.

J. H. ALLEN,
Chairman.

Adopted.

So the bill was referred to Committee on Appropriations.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 198, a bill for an act to amend Section two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the Supplement to the Code, 1907, relating to State Veterinary Surgeon, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That Section 2 thereof be amended by striking out the word "fifteen" in the fifth line and inserting in lieu thereof the word "eleven," and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 194, a bill for an act making an appropriation for the repair of the elevators and the installing of a fire pump in the State Capitol, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 285, a bill for an act making an appropriation of two hundred dollars (\$200) to reimburse Company A, Fifty-sixth (56th) Infantry, Iowa National Guards, for money paid by it to Robert Mann as damages resulting from the accidental killing by said company of a horse belonging to said Robert Mann, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 222, a bill for an act relating to fish and game, and making appropriations for the fish and game commission of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 229, a bill for an act relating to fish and game, and making appropriation for the fish and game commission of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 349, a bill for an act to create the Iowa State Drainage, Water-ways and Conservation Commission, and defining the powers and duties of the same, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Senator Allen of Pocahontas filed the following motion :

I move to reconsider the vote by which Senate File No. 357 failed to pass the Senate.

J. H. ALLEN.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams 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. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

Also :

Senate File No. 208, a bill for an act to amend Section eighteen hundred and fifty-seven (1857) of the Code, relating to the dissolution of state banks.

Also :

Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Also:

Senate File No. 235, a bill for an act to amend Section two thousand five hundred and thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the fish and game warden.

Also:

Senate File No. 310, a bill for an act to legalize the acts of the board of directors of the School Township of Wilson in the county of Osceola and state of Iowa in authorizing a school house to be built in sub-division number four (4) in said school township and in levying a tax therefor.

Also:

Senate File No. 331, a bill for an act authorizing the State Board of Control to enter into a contract for the employment of certain inmates of the Reformatory at Anamosa.

HENRY L. ADAMS,

Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams 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. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

Also:

Senate File No. 208, a bill for an act to amend Section eighteen hundred and fifty-seven (1857) of the Code, relating to the dissolution of state banks.

Also:

Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Also:

Senate File No. 235, a bill for an act to amend Section two thousand five hundred and thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the fish and game warden.

Also:

Senate File No. 310, a bill for an act to legalize the acts of the board of directors of the School Township of Wilson in the county of Osceola and state of Iowa in authorizing a school house to be built in sub-division number four (4) in said school township and in levying a tax therefor.

Also:

Senate File No. 331, a bill for an act authorizing the State Board of Control to enter into a contract for the employment of certain inmates of the Reformatory at Anamosa.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Peterson, House File No. 417, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine-a-forty-two (1989-a-42) of the Supplement to the Code, 1907, relative to the duties of the county auditor and to the employment of additional help for county auditors in levee or drainage districts and to the drainage record, and the enactment of a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Whipple, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Bruce, Chapman, Clarkson, Cosson, De Wolf, Larrabee, Moon, Parshall, Savage, Smith of Mitchell, Stuckslager, Taylor, Van Law, White, Whiting—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, House File No. 29, a bill for an act to amend Section Five Hundred and Ninety-one (591) of the Code, relating to the compensation of township clerks, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

Senator De Armand moved that the substitute be substituted for the original bill.

Carried.

The bill was read for information.

Senator De Armand moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Seeley, Smith of Des Moines, Whipple, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clarkson, Cosson, De Wolf, Hunter, Mattes, Maytag, Moon, Parshall, Saunders, Savage, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hoyt, Senate File No. 251, a bill for an act to amend the law as it appears in sub-division four (4) of Section One Hundred Thirty-eight (138) of the Supplement to the Code, 1907, and Section One Hundred Thirty-nine (139) of the Code, relating to printing, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Hoyt moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Whipple White, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Clarkson, Cosson, DeWolf, Gilliland, Hunter, Moon, Nichols, Parshall, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whiting—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Van Buren, House File No. 201, a bill for an act to repeal Sections Ten Hundred and Ninety-one (1091) of the Code, relative to polling places for country precincts and to enact a substitute therefor with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Allen of Van Buren moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Francis, Gilliland, Hunter, Moon, Parshall, Saunders, Taylor, Van Law, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Allen of Van Buren, Senate File No. 330, a bill for an act to amend Section 2448 of the Supplement to the Code, 1907, relating to the sale of intoxicating liquors, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Allen of Van Buren moved the adoption of the following amendments:

Amend the title by inserting after the word "amend" in the first line thereof the words "the law as it appears in."

Amend Section 1 by inserting after the word "that" in the first line thereof the words "the law as it appears in."

Adopted.

The bill was read for information.

Senator Allen of Van Buren moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Whipple, White Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Cosson, De Armand, De Wolf, Foley, Frudden, Hunter, Larrabee, McManus, Moon, Parshall, Sammis, Smith of Des Moines, Taylor, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clark, Senate File No. 406, a bill for an act to amend Section Four Thousand Eight Hundred and Eleven (4811) of the Code, relating to getting off and on cars while in motion, and providing punishment therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Balkema, Brown, Bruce, Cosson, De Wolf, Foley, Hoyt, Moon, Parshall, Ream, Sammis, Taylor, Van Law, Whipple, White, Whiting—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, House File No. 296, a bill for an act to repeal Sections Twenty-five Hundred Sixty-three-a (2563-a), Twenty-five Hundred Sixty-three-b (2563-b), Twenty-five Hundred Sixty-three-c (2563-c), Twenty-five Hundred Sixty-three-d (2563-d), Twenty-five Hundred Sixty-three-e (2563-e), Twenty-five Hundred Sixty-three-f (2563-f), Twenty-five Hundred Sixty-three-g (2563-g), Twenty-five Hundred Sixty-three-h (2563-h) of the Supplement to the Code, and to enact in lieu thereof the following relating to protection of game, with report of committee, recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules 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 ayes were:

Seenators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting—40.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Moon, Parshall, Savage, Taylor, Van Law, Whiting—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 Hammill, House File No. 291, a bill for an act to amend Section Four Thousand Nine Hundred Seventy-nine (4979) of the Code, relating to offenses against the public health, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Hammill moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Burgess, Chapman, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Brown, Bruce, Clark, Cosson, De Wolf, Francis, McManus, Moon, Parshall, Ream, Savage, Stuckslager, Taylor, Van Law, Whiting—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debts, was taken up and considered.

Senator De Armand moved that the Senate concur in the following House amendments.

Amend by striking out Section One line one, the words: "of the first class or city."

Also amend Section 2 by adding thereto the following: "Provided that the total bond that may be issued under this act by

any one city shall not exceed one per centum of the assessed value of said city."

Also amend by striking out section four.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Mitchell, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Dowell, McCulloch, Moon, Parshall, Ream, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law—13.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Allen of Pocahontas, Senate File No. 410, a bill for an act making an appropriation for the farmers institute of Pocahontas County, Iowa, under the provisions of Section Sixteen Hundred and Seventy-five (1675) of the Supplement to the Code, 1907, with report of Committee on Appropriations recommending passage, was taken up, considered, and the report of committee adopted.

Senator Allen of Pocahontas moved the adoption of the report of the Committee on Claims.

Adopted.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Foley, Larrabee, McManus, Moon, Parshall, Smith of Des Moines, Stuckslager, Taylor, Van Law—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 402, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State Hospitals, Penitentiaries, Industrial Schools, Sanatorium for Treatment of Tuberculosis, Institution for the Feeble-minded, College for the Blind, School for the Deaf, Iowa Soldiers' Home and Iowa Soldiers' Orphans' Home.

Senator Maytag offered the following amendment and moved its adoption:

Amend Section 3 by striking out in line seven the figures "\$3,000" and insert in lieu thereof the figures "\$7,300."

Amend Section 12 by striking out all of line twelve, "for additional water supply \$12,000."

Adopted.

Senator Maytag, offered the following amendment and moved its adoption:

Amend Section 1 by striking out in line three the words and figures "Five Hundred Fifteen Thousand Seven Hundred (\$515,700.)" and insert in lieu thereof the words and figures five hundred and eight thousand (\$508,000)."

Adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Francis, Hunter, Moon, Parshall, Ream, Taylor, Van Law, White, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 concurred in the Senate amendments to House File No. 31, a bill for an act to amend Section 590 of the Code relating to the compensation of township assessors.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the Senate amendments to House Joint Resolution No. 2, providing for and empowering the board of regents of the State University, the trustees of the Iowa State College of Agriculture and Mechanic Arts and the trustees of the Iowa State Normal School to make application for the admission of these State institutions to the

rights and privileges of the Carnegie foundation for the advancement of teaching and to receive the same.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns the following bill as requested by the Senate, substitute for Senate File No. 82, a bill for an act to amend Section 2571 of the Supplement to the Code, 1907, relating to the publication of rules and regulations of the local boards of health.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 319, a bill for an act authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.

C. R. BENEDICT,
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. 408, a bill for an act to prevent disease among bees and to provide for inspection thereof.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate File No. 403, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School, was taken up, and considered, and the report of committee adopted.

Senator Maytag offered the following amendment and moved its adoption:

Amend Section 1 by striking out in line eleven the words "the first installment to be paid July 1, 1909."

Amend Section 2 by striking out in line seventeen the words "the first installment to be paid July 1, 1909."

Amend Section 3 by striking out in line seventeen the words "the first installment to be paid July 1, 1909."

Adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Bruce, Clark, Cosson, De Wolf, Frudden, McCulloch, Moon, Parshall, Taylor, Van Law—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 404, a bill for an act providing for the inside finishing and completion of the Historical, Memorial and Art Building, and making an appropriation therefor, was taken up and considered.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Clark, Cosson, De Wolf, Frudden, Moon, Parshall, Sammis, Stuckslager, Taylor, Van Law, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 405, a bill for an act creating the Capitol Grounds Improvement Commission and defining its duties and making an appropriation therefor, was taken up and considered.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Peterson, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Bennett, Bruce, Cosson, De Wolf, Fitchpatrick, Frudden, McCulloch, McManus, Moon, Nichols, Parshall, Proudfoot, Quigley, Stuckslager, Taylor, Van Law—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On request of Senator Balkema, leave of absence was granted Senator Proudfoot until Monday.

On motion of Senator Seeley, House File No. 301, a bill for an act to amend Section 458-c of the Supplement to the Code, 1907, relative to injuries of domestic animals by dogs and wolves, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Seeley moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, De Armand, Dowell, Francis, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Bruce, Burgess, Cosson, De Wolf, Fitchpatrick, Foley, Frudden, Hunter, McManus, Moon, Parshall, Proudfoot, Quigley, Stuckslager, Taylor, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Mitchell, Senate File No. 413, a bill for an act amending Section One Hundred Fifty (150) and One Hundred Fifty-one (151) of the Code, relating to the duties of the custodian of public buildings and property, was taken up and considered.

The bill was read for information.

Senator Smith of Mitchell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Ham-mill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Fitchpatrick, McManus, Moon, Parshall, Proudfoot, Stuckslager, Taylor, Van Law, White—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator White, House File No. 185, a bill for an act to amend Chapter One Hundred Forty-two (142), of the Thirty-second General Assembly, relating to the sale of denatured alcohol and to enact an amendment thereto, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator White moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Ham-mill, Hoyt, Hunter, Mattes, Maytag, Nichols, Peterson, Quigley,

Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Whipple, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Fitchpatrick, Larrabee, McCulloch, McManus, Moon, Parshall, Proudfoot, Seeley, Stuckslager, Taylor, Van Law—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 Clarkson, House File No. 175, a bill for an act to amend Section Thirteen Hundred Three (1303) of the Supplement to the Code, 1907, relating to levying of taxes by Board of Supervisors, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Clarkson moved the adoption of the following amendment:

Amend by adding to Section 1 the following: "Provided, further, that the levy for the purpose of providing an additional fund shall not exceed three mills on a dollar," and when so amended the bill do pass.

Adopted.

Senator Clarkson moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting—31.

The nays were:

None.

Absent or not voting:

Senators Bruce, Cosson, De Wolf, Fitchpatrick, Foley, Francis Larrabee, McManus, Moon, Nichols, Parshall, Proudfoot, Seeley, Stuckslager, Taylor, Van Law, White, Wilson—18.

Senator Clarkson moved the adoption of the following amendment to the title of the bill:

I move to strike out the period following the word "thereof" in the last line of the title and insert in lieu thereof a semi-colon and the following: "creating a court expense fund."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Saunders, Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a Board of Trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting, Wilson—32.

The nays were:

Senator Hammill—1.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, McCulloch, Moon, Parshall, Proudfoot, Stuckslager, Taylor, Van Law, White—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clarkson, House File No. 393, a bill for an act to amend Section 404 of the Code, relating to the sale or exchange of bonds issued under provisions of Section 403 of the Supplement to the Code, 1907, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Clarkson moved the adoption of the following amendment:

Amend the title by striking out all after the word "bonds" in the third line and by inserting in lieu thereof the words "and refunding of the same."

Senator Clarkson moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, McCulloch, Mattes, Nichols, Peterson, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, Clark, Cosson, De Wolf, Fitchpatrick, Gilliland, Larrabee, McManus, Maytag, Moon, Parshall, Proudfoot, Saunders, Stuckslager, Taylor, Van Law, White—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Sammis, Senate File No. 366, a bill for an act to establish a public service commission and prescribing its powers and duties; and providing for the regulation and control of public utilities, and making an appropriation therefor; also transferring the powers and duties of the executive council as prescribed by Chapter Seventy-one (71) of the Acts of the Thirty-second General Assembly of Iowa, in so far as they relate to public service corporations, and the powers and duties of the Board of Railroad Commissioners as prescribed by law to said commission; also repealing the powers heretofore granted to cities and towns and cities acting under special charters and cities acting under the commission plan, to fix charges for meters or to regulate and fix the rates or service of water, gas, electric light or other public utilities, and the period of duration of their franchises; also repealing all powers heretofore granted to such towns and cities in conflict with this act and confer on such cities and towns certain additional powers, with report of committee recommending indefinite postponement, was taken up, considered, and the report of committee adopted.

So the bill was indefinitely postponed.

Senator Chapman moved that the time for adjournment be extended 15 minutes.

Carried.

On motion of Senator Francis, House File No. 290, a bill for an act to amend Chapter Fifteen (15) of Title Twelve (12) of the Code, and Supplement to the Code, relative to the care and propagation of fish, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Nichols, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Clark, Clarkson, Cosson, De Wolf, Fitchpatrick, Larrabee, Moon, Parshall, Proudfoot, Quigley, Sammis, Saunders, Smith of Mitchell, Stuckslager, Taylor, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, House File No. 433, a bill for an act to amend Section Twenty Hundred Twenty-eight (2028) as it appears in the Supplement to the Code, 1907, relating to ways to lands which have no other means of access, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clarkson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McManus, Mattes, Nichols, Peterson, Quigley, Saunders, Savage, Seeley, Whipple, White, Whiting, Wilson—30.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Clark, Cosson, De Wolf, Fitchpatrick, Hoyt, McCulloch, Maytag, Moon, Parshall, Proud-

foot, Ream, Sammis, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator Smith, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your committee on Charitable Institutions, to whom was referred House File No. 414, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section three thousand one hundred sixty-j (3160-j) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

FRED N. SMITH,
Chairman.

Ordered passed on file.

Senator Fitchpatrick, 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. 389, a bill for an act to prescribe the method of constructing and operating gypsum mines and to provide for the inspection of the same, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute.

Substitute for Senate File No. 389, by Ream.

SUBSTITUTE FOR SENATE FILE NO. 389.

A Bill for an Act to Provide for the Inspection of Gypsum Mines and Property Pertaining Thereto and Provide for the Safety of Employes Therein; and Repealing Section Twenty-four Hundred Seventy-nine (2479) of the Code and Enact a Substitute in Lieu Thereof, Relating to the Appointment of Mine Inspectors.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section twenty-four hundred seventy-nine (2479) of the Code is hereby repealed and the following enacted in lieu thereof:

"The Executive Council shall appoint a board of seven examiners, two of whom shall be practiced miners, two mine operators, one practical gypsum miner, one gypsum operator and one a mining engineer, each of whom shall have had at least five years experience in his profession, each of whom shall hold office for two years, and shall

qualify by an oath to the effect that he will faithfully and to the best of his ability perform the duty of examining candidates for the office of mine inspector, and truly try any charges made against any such inspector, and that, in recommending candidates, he will be governed by the evidence of qualification to fill the position under the law, without fear, favor or political or personal considerations, and will grant certificates of competency to candidates according to their merits and the requirements of law."

SEC. 2. The owner or person in charge of any gypsum mine operated by shaft, or one having a slope or drift opening, in which five or more men are employed shall construct and maintain at least two distinct openings which in shaft mines shall be separated by not less than 200 feet in breadth and in slope or drift mines not less than 100 feet in breadth, through which ingress and egress at all times shall be unobstructed to the employes, and in slope or drift mines shall be provided with safe and available traveling ways; all traveling ways and escapes to be kept free from water and falls of roof. All escape shafts not provided with hoisting appliances as hereinafter provided shall have stairs at an angle of not more than sixty degrees in descent, kept in safe condition, with proper landing at easy and convenient distances apart. He shall provide all air shafts where fans are used for ventilating purposes with working fan and machinery adequate to ventilate the mine with the quantity of air as by this act provided; and in escape shafts, unless provided with stairs, suitable appliances for hoisting underground workmen, separate and apart from the appliances used at the hoisting shaft and which shall at all times be maintained ready for use while the men are at labor, and no combustible material shall be allowed to be or remain between any escape shaft and hoisting shaft. A furnace shaft, if large enough, may be divided into an escape and a furnace shaft, the partition to be of incombustible material for a distance of not less than fifteen feet from the bottom thereof, and so constructed throughout as to exclude the heated air and smoke from the side used as an escape shaft. Where two or more mines are connected under ground, the several owners by joint agreement, may use the hoisting shaft or slope of the one as an escape for the other. In all cases where escape shafts are constructed less than two hundred feet from the hoisting shaft, there shall be built and maintained an underground traveling way from the top of the escape shaft, so as to furnish the proper protection from fire for a distance of two hundred feet from such hoisting shaft. No escape shaft shall be located or constructed without first giving notice to the district inspector, who shall determine the distance it shall be from the main shaft, and without his consent it shall not be less than three hundred feet, nor shall any building except the fan house be placed nearer than one hundred feet of the escape; but the provisions of this chapter relating to escape-ways shall not apply to mines where the same are lost or destroyed by reason of the drawing of pillars preparatory to the abandonment of the mine, and in such mine not more than twenty persons shall be employed at one time.

SEC. 3. In all mines there shall be allowed one year to make outlets as provided for in Section one hereof, but no more than twenty men shall

be employed in such mine at any one time until provisions of Section one are complied with, and after the expiration of the period above mentioned, should the mine not have the outlets aforesaid, it shall not be operated until made to conform to the provisions of Section one; provided that the mine inspector may consent in writing for an extension of such reasonable length of time as he may deem best in which to comply with this section, not to exceed one additional year.

SEC. 4. The owner or person in charge of any mine shall provide and maintain, whether the mine be operated by shaft, slope or drift, an amount of ventilation of not less than one hundred cubic feet of air per minute for each person, nor less than five hundred cubic feet of air per minute for each mule or horse employed therein; which shall be so circulated throughout the mines as to dilute, render harmless and expel all noxious and poisonous gases in all working parts of the same. (But in no case shall the air current be a greater distance than sixty feet from the working face, except when making cross cuts in entries for air-course; then, in that case, the distance shall not be greater than seventy feet, provided, however, that the district mine inspector may, in writing, grant permission to go beyond the limit herein mentioned, when the conditions are such in a special case as to require it. When the air current is carried to the working face of the rooms, in double-room mining, such air currents shall be treated as that contemplated in this act), to do this, artificial means by exhaust steam, forcing fans, furnaces, or other contrivances of sufficient capacity and power, shall be kept in operation.

If a furnace is used it shall be so constructed, by lining the upcast for a sufficient distance with incombustible material, that fire cannot be communicated to any part of the works. When the mine inspector shall find the air insufficient, or the men working under unsafe conditions, he shall at once give notice to the mine owner or his agent or person in charge, and, upon the failure to make the necessary changes within a reasonable time, to be fixed by him, he may order the men out, to remain out until the mine is put in proper condition.

SEC. 6. The owner or person in charge of any mine shall in all mines operated by shaft or slope, where the voice cannot be distinctly heard, provide and maintain a metal speaking tube or other means of communication, kept in complete order from the bottom or interior to the top or exterior, also a sufficient safety catch and proper cover overhead on all cages, and an adequate brake to all drums or other devices used for lowering or hoisting persons, an approved safety gate at the top of each shaft, springs at the top of each slope, and a trail attached to each train used therein. He shall not knowingly place in charge of any engine used in or about the operation of the mines any but experienced, competent and sober engineers, who shall not allow any one but those designated for that purpose to handle or in any way interfere with it or any part of the machinery, nor shall more than ten persons be allowed to descend or ascend in any cage at one time, or such less number as may be fixed by the district mine inspector, nor any one but the conductor on a loaded car or cage. He shall at all times keep a sufficient supply of timber to be used as props, convenient and ready for use, and shall send

such props down when required and deliver them to the places where needed.

SEC. 6. In addition to any and all other remedies, if any owner or person in charge of any mine shall fail to provide any of the appliances herein provided do not conform to the requirements herein specified, or such owner or agent neglect for twenty days after notice given in writing by the district mine inspector of such failure, to remedy the same, such inspector may apply to the district court or any judge thereof in an action brought in the name of the state for a writ of injunction to restrain the working of the mine with more persons at the same time that are necessary to make the improvements needed save as may be required to prevent waste, until such appliances have been applied, and in case an injury happens to those engaged in the work because of such failure, the same shall be held culpable negligence.

SEC. 7. It is hereby made the duty of the state mine inspectors to enforce the provisions of this act.

SEC. 8. Any owner or person in charge of any gypsum mine who shall fail to comply with the provisions of this act, or either of them, or shall hinder or obstruct the carrying out of any of the requirements of this act shall be punished by imprisonment in the county jail not exceeding sixty (60) days, or by a fine not exceeding five hundred (\$500.00) dollars, or if any miner, workman or other person knowingly injure or interfere with any air-course or brattice, or obstruct or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act whereby the lives and health of the persons, or the security of the mines and machinery is endangered, or shall neglect or refuse to securely prop any entries under his control, or refuse to obey any order given by the superintendent in relation to the safety of the mine or that part of the mine under his charge or control he shall be punished by a fine not exceeding one hundred (\$100.00) dollars or imprisonment in the county jail not exceeding thirty (30) days; and when so amended the bill do pass.

J. A. FITCHPATRICK,
Chairman.

Substitute was read first and second time and passed on file.

Also:

Senator Chapman, from the Committee on Manufactures, submitted the following report:

MR. PRESIDENT—Your committee on Manufactures, to whom was referred Senate File No. 293, a bill for an act requiring that boots and shoes made in certain parts of substitutes for leather, and boots and shoes made by "convict or prison labor" to be stamped, and providing a penalty for failure to so stamp, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. R. CHAPMAN,
Chairman.

Adopted.

So the bill was indefinitely postponed.

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

HOUSE MESSAGES CONSIDERED.

House File No. 31, a bill for an act to amend Section 590 of the Code, relating to the compensation of township assessors.

Passed on file.

Joint Resolution No. 2, providing for and empowering the Board of Regents of the State University, the Trustees of the Iowa College of Agriculture and Mechanic Arts, and the Trustees of the Iowa State Normal School to make application for the admission of these state institutions to the rights and privileges of the Carnegie Foundation for the advancement of teaching and to receive the same.

Passed on file.

Senate File No. 82, a bill for an act to amend Section 2571 of the Supplement to the Code, 1907, relating to the publication of rules and regulations of the local boards of health.

Passed on file.

Senate File No. 319, a bill for an act authorizing Boards of Supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity and fixing the liability for damages arising from the construction thereof.

Passed on file.

House File No. 4408, a bill for an act to prevent diseases among bees and to provide for inspection thereof.

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

House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation, engaged in the business of lumber dealing or owning or operating yards, from combining or entering into an agreement, contract, or trust, or pool, to fix the prices at which lumber is to be sold, or to prevent the free action of competition in the buying of lumber, and to provide punishment for the violation of this act.

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

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 166, 208, 213, 235, 310, and 331.

Senator Sammis asked unanimous consent to have Senate Joint Resolution No. 3, made a Special Order for next Tuesday, to follow Special Order No. 1, set for 10:00 o'clock on that day.

Consent granted.

Passed on file.

Senator Allen, from the Conference Committee on House File No. 265, submitted the following report:

MR. PRESIDENT—Your conference committee, to which was referred House File No. 265, beg leave to report to you that they have had the same under consideration and make the following recommendation:

We recommend the following substitute for the bill:

A Bill for an Act to Repeal Section Fifteen Hundred Thirty (1530) of the Supplement to the Code, 1907, and Enacting a Substitute Therefor, Relating to the County Road Fund and County Drainage Fund and Providing for the Collection and Distribution of the Same.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section fifteen hundred thirty (1530) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

The board of supervisors of each county shall, at the time of levying taxes for other purposes, levy a tax of not more than one mill on the dollar of the assessed value of the taxable properties in its county, including all taxable property in municipalities which shall be collected at the same time and in the same manner as other taxes and be known as the county road fund and be paid out only on the order of the board of supervisors, for the purchase of road tools or machinery or for work done on the roads in the county in such places as it shall determine; provided that on written petition of a majority of the electors who are freeholders of any township in any county the board of supervisors may levy an additional mill in said township to be expended by said board of supervisors on roads in townships where the same is levied; provided, further, that the board of supervisors of any county may levy an additional tax of not more than one mill on the dollar of the taxable property in the county including all taxable property in cities and incorporated towns outside the limits of cities of the first class and cities acting under special charter, which tax shall be collected at the same time and in the same manner as other taxes and be known as the county drainage fund and be paid out only on the order of the board for drainage of highways and paying drainage assessments heretofore levied for benefits to highways in the county or that may hereafter be levied for such purposes.

One-half of the county road fund arising from the property within any municipality shall be paid over by the county treasurer to the treasurer of the municipality in the same manner as other municipal taxes and shall be expended on the roads or streets within such municipality by and under the direction of the council or commission. The county treasurer shall receive the same compensation for collecting this tax as he does for collecting corporation taxes, except as hereinafter provided. Taxes already collected under Section fifteen hundred thirty (1530) of the Supplement to the Code, 1907, and in the hands of the county treasurer shall be paid over to the treasurer of the municipality in the same manner as other municipal taxes. Moneys so collected shall not be transferable to any other fund nor used for any other purpose. The board of supervisors shall levy such additional sum for the benefit of such township as shall have certified a desire for such additional levy as provided for in Section fifteen hundred twenty-eight (1528) of this chapter. The amount for the general township fund and the county road fund and county drainage fund shall not exceed in any year six mills on the dollar.

SEC. 2. The administrative bodies of such municipalities shall have authority to appropriate out of the fund arising from such tax, the whole or any part thereof, for the improvement of roads outside of the limits of their municipality where the board of supervisors are making improvements on such roads, in which case the amount of such appropriation shall be paid over to the treasurer of the county for such specific improvement and disbursed by the board of supervisors. If expended by the administrative body of the municipality it shall be expended upon that part of the roads within its limits which are reserved and used for traveling purposes and only such roads as are a continuation of country roads which are main arteries of travel, and one-half of the road fund collected within the municipality and retained for disbursement by the board of supervisors shall be by them used on such roads as are main arteries of travel immediately tributary to the municipality for which such tax has been collected. Nothing herein contained shall prevent the board of supervisors from paying over to the treasurer of the municipality the whole or any part of said tax raised within such municipality to be expended by such municipality as herein provided.

SEC. 3. In municipalities where taxes are collected independent of the county treasurer no compensation shall be paid to the county treasurer for the collection of this tax.

SEC. 4. The term municipality as herein used is defined to include cities, towns, cities acting under special charter and those under the commission form of government, and when so amended the bill do pass.

J. H. ALLEN,
JOHN HAMMILL,
ROBERT HUNTER,
W. C. WHITING,
F. H. HUNTER,
W. T. HARDING,
AUG. A. BALLUFFE,
H. C. BRANDES.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 166, a bill for an act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.

Also:

Senate File No. 208, a bill for an act to amend Section eighteen hundred and fifty-seven (1857) of the Code, relating to the dissolution of state banks.

Also:

Senate File No. 213, a bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Also:

Senate File No. 235, a bill for an act to amend Section two thousand five hundred and thirty-nine (2539) of the Supplement to the Code, 1907, relating to the compensation and duties of the fish and game warden.

Also:

Senate File No. 310, a bill for an act to legalize the acts of the board of directors of the School Township of Wilson in the county of Osceola and state of Iowa in authorizing a school house to be built in sub-division number four (4) in said school township and in levying a tax therefor.

Also:

Senate File No. 331, a bill for an act authorizing the State Board of Control to enter into a contract for the employment of certain inmates of the Reformatory at Anamosa.

HENRY L. ADAMS,

Chairman.

Adopted.

Senator Bennett moved that the Senate do now adjourn until 1:30 o'clock, P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

On request of Senator Chapman, leave of absence was granted Senator Francis, until Monday.

On request of Senator Chapman, leave of absence was granted Senator Clark until Monday.

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. 513, a bill for an act to amend Section 1326, Title 7, Chapter 1 of the Code of Iowa, relating to stock of building and loan associations.

C. R. BENEDICT,
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. 436, a bill for an act relating to the renewal of teachers' certificates.

C. R. BENEDICT,
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. 469, a bill for an act to repeal Section 1989-a-41 of the Supplement to the Code, 1907, relating to the fees and expenses in levee and drainage districts, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 513, a bill for an act to amend Section Thirteen Hundred Twenty-six (1326), Title Seven (7), Chapter One (1), of the Code of Iowa, relating to stock of building and loan associations.

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

House File No. 436, a bill for an act relating to the renewal of teachers' certificates.

Read first and second time and placed on Calendar.

House File No. 469, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine-a-41 (1989-a-41) of the Supplement to the Code, 1907, relating to the fees and expenses in levee and drainage districts, and to enact a substitute in lieu thereof.

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

Senator Hunter asked unanimous consent to withdraw House File No. 263, from the Committee on Insurance and have it placed on the Calendar and offer a substitute therefor.

Consent granted.

SUBSTITUTE FOR HOUSE FILE NO. 207.

A Bill for an Act to Repeal Section Sixteen Hundred Ninety-nine (1699) of the Code, Relating to the Investment of Funds of Insurance Companies other than Life, Organized Under Chapter Four (4), Title Nine (9) of the Code and to Enact a Substitute Therefor.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Section sixteen hundred ninety-nine (1699) of the Code is hereby repealed and the following enacted in lieu thereof: Any company organized under this chapter may invest its capital and funds in the following described securities and no other:

1. The bonds of the United States.
2. The bonds of this state or any other state when such bonds are at or above par.
3. Bonds or other evidences of indebtedness of any county, city, town or school district within the state or any other state, drainage district bonds of this state, improvement certificates issued by any municipal corporation of this state, such certificates being a first lien upon real estate within the corporate limits of the municipality issuing the same, where such bonds, or other evidences of indebtedness are issued by authority of and according to law and bearing interest.
4. Bonds and mortgages and other interest bearing securities being first liens upon real estate within this state or any other state worth at least double the amount loaned thereon and secured thereby exclusive of improvements, or two and one-half times such amount including the improvements thereon, but no such improvements shall be considered in estimating the value unless the owner shall contract to keep the same insured during the life of the loan in some reliable fire insurance company or companies authorized to do business in the state, other than the company making the investment, in a sum at least double the excess of

the loan above one-half the value of the ground exclusive of the improvements, the insurance to be made payable in case of loss to the company or association investing its funds, as its interest may appear at the time of loss; except that the surplus funds may be invested in stock other than bank stock, or in bonds or other evidences of indebtedness of any solvent dividend paying corporation organized under the laws of any of the states, or of the United States, or may be loaned thereon upon pledge thereof, at not exceeding eighty per cent of their current market value, but no investment shall be made in the companies' own stock.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 320, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code, 1907, relating to penalty for violation of the Pure Food Laws, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Further consideration of the bill was postponed.

On motion of Senator Dowell, Senate File No. 396, a bill for an act to amend the law as it appears in Section Ten Hundred Fifty-six-a-thirty-six (1056-a-36), Chapter Fourteen-c Title Five of the Supplement to the Code, 1907, relating to the government of certain cities and the recalling of elective officers therein, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendments:

Amend the bill by changing the words "thirty-fifth" and the figures "35" to thirty-fourth" and "(34)."

Amend by striking out the period after the word "elections" and substituting for the capital "S" on the word "so" in the sixth line of the bill a small "s."

Amend by inserting a semi-colon for the comma after the word "provided" in the seventh line of the bill.

Amend the official ballot form provided in Section 1 by inserting in front of the lines including the words, "the names of candidates, squares."

Adopted.

The bill was read for information.

Senator Dowell moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clarkson, De Armand, Dowell, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, White, Whiting—32.

The nays were:

None.

Absent or not voting:

Senators Bruce, Burgess, Clark, Cosson, De Wolf, Fitchpatrick, McManus, Moon, Parshall, Proudfoot, Sammis, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders asked unanimous consent to call up for consideration, the resolution offered by him relative to the appointment of a sifting committee.

Consent granted.

Senator Saunders moved the adoption of the resolution.

Senator Adams offered the following amendment to the resolution and moved its adoption:

Amend by adding after the word "bills" before the word except, the words, "not in the hands of Senate committees, Saturday night, April 3d, or on the Calendar of April 3d, 1909."

Senator Hammill moved that further consideration of the resolution be deferred until Tuesday morning.

Carried.

REPORTS OF COMMITTEES.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 450, a bill for an act providing for the enumeration of deaf or blind persons additional to Chapter one (1) Title seven (7) of the Code, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 391, a bill for an act providing for the planting of forest trees upon lands owned by county or State, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 455, a bill for an act to amend Section two thousand, eight hundred twenty-three-e (2823-e) of the Supplement to the Code, 1907, relating to the probation officers, beg leave to report they have had the same under consideration and recommend that the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 233, a bill for an act to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File no. 244, a bill for an act to legalize the passage, adoption, and publication of the ordinances, resolutions and rules of health of the

incorporated town of Merrill, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 482, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury county, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 3 by adding thereto the following: "Which publication shall be without expense to the State," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 490, a bill for an act to legalize the incorporation of the town of Knierim, Calhoun county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 12, a bill for an act providing for the guardianship of the estates of absentees (additional to Chapter five (5), Title sixteen (XVI) of the Code, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 of the bill by striking out of lines 1 to 5, inclusive the words "When any adult resident of the State owning property therein, shall disappear from his usual place of residence and his whereabouts shall be unknown to the members of his family or other persons with whom he resided immediately before his disappearance," and by inserting in lieu thereof the words, "When any adult person owning property within the State and whose whereabouts are and have been unknown."

Amend Section 1 by striking out of line 9 thereof the words, "the person so disappearing last resided" and by inserting in lieu thereof the words "the property or any part thereof is situated."

Amend Section 2 of the bill by striking out the period at the end of said section and by inserting in lieu thereof a comma and by adding to

said section the words "and shall be allowed reasonable compensation therefor to be fixed by the court," and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Allen of Pocahontas, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 495, a bill for an act to amend Section 1989-a-2, a-4 and a-5, a-6, a-7, a-8, a-10, a-12, a-13, a-14, a-16, a-19, a-21, a-22, a-27, a-29 a-32, a-35, a-44 and to repeal Section 1989-a-3, a-11, a-19, Supplement to the Code, 1907, all relating to waters, water courses, levees and drains, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

1. Amend Section one of the bill by inserting a comma after the word "Code" in the second line and the figures "1907" and comma.

2. Amend Section two of the bill by striking out of the last line of said section the words "so far as" and inserting in lieu thereof the word "when."

3. Amend Section three of the bill by striking out the word "three" in the thirtieth line and inserting in lieu thereof the word "two" and by striking out the word "ten" in the thirty-second line and inserting the word "twenty" and by striking out the word "have" in the fortieth line.

4. Amend Section six by striking out all the words and punctuation marks commencing with the word "by" in the third line and ending with the word "also" before the word "by" in the fifth line.

5. Amend Section seven by substituting a period for the comma following the word "auditor" in line six of the bill and by striking out of said Section all following said period.

6. Amend Section ten of the bill by inserting after the word "changed" in line six the following words: "or that a change or alteration in the location thereof should be made" and be further amended by striking out the figure "26" following the word "eighty-nine" in next to the last line of said Section and inserting in lieu thereof the letter and figure as follows: "a-6."

7. Amend Section eleven of the bill by striking out all the words and punctuation marks commencing with the word "striking" in the third line thereof down to and including the word "by" in the sixth line thereof; and by striking out the quotation marks following the word "be" in line sixteen thereof and by adding after the period following said word the following: "Provided, however, that no deferred installment of the amount assessed, as between vendor and vendee, mortgagor and mortgagee, shall become a lien upon the property against which it is assessed and levied, until the thirty-first day of December of the year next preceding that in which it is due and payable." And be further amended by striking out the last four lines of said Section.

8. Amend Section thirteen by striking out of said Section all after the colon following the word "following" in line five and inserting in lieu

thereof the following: "The board of supervisors shall be a proper party in all appeal cases for the purpose of representing the drainage district. When an appeal, authorized by this chapter, is taken, the county auditor shall forthwith make a transcript of the notice of appeal and appeal bond and transmit the same to the clerk of the district court, and the clerk shall docket the same upon payment by the appellant of the docket fee; and on or before the first day of the next succeeding term of the district court, the appellant shall file a petition setting forth the order or decision of the board appealed from and his claims and objections relating thereto; a failure to comply with these requirements shall be deemed a waiver of the appeal and in such case the court shall dismiss the same; it shall not be necessary for the appellee to file answer to the petition unless some affirmative defense is made thereto, but he may do so. The board shall provide a book to be known as the "Drainage Record" and the county auditor shall keep a full and complete record therein of all proceedings of the board relating to drainage districts."

9. Amend Section fourteen of the bill by inserting after the word "by" in line five thereof the following words: "striking out the period at the end of said Section and inserting in lieu thereof a semicolon and;" and be further amended by striking out all of said Section after the period following the word "same" in line nine thereof and inserting in lieu thereof the following: "And be further amended by striking out the letter "a" following the word "proceedings" in the fourth line from the end of said Section and inserting in lieu thereof the word "or."

10. Amend by striking out of the bill Section fifteen (15) and inserting in lieu thereof the following:

SEC. 15. That the law as it appears in Section nineteen hundred eighty-nine-a-18 (1989-a-18) of the Supplement to the Code, 1907, be amended by inserting after the word "bridge" and before the comma following said word in the thirtieth line of said Section the words: "when such improvement is located at the place of the natural waterway or place provided by the railroad company for the flow of the water;" and that said Section be further amended by inserting after the word "bridge" and before the word "shall" in the thirty-third line of said Section the following words and the punctuation marks, viz: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water;" and that said Section be further amended by adding after the period at the end of said Section the following: "All other proceedings in relation to railroads shall be the same as provided for individual property-owners within the drainage district."

11. Amend by striking out Section seventeen (17) of the bill.

12. Amend by striking out Section nineteen (19) of the bill.

13. Amend by striking out Section twenty (20) of the bill.

14. Amend Section twenty-one of the bill by striking out all of said Section after the colon following the word "words" in the fifth line thereof and inserting in lieu the following words: "At all joint meetings of the boards of supervisors of two or more counties the membership present of each board shall vote as a unit and in accord with the expressed desire of the majority of such membership found by a roll call thereof, a record of which shall be kept and recorded in the proceedings."

15. Amend the bill by adding the following sections thereto as follows:

SEC. 22. That the law as it appears in Chapter two-a of Title ten of the Supplement to the Code, 1907, be amended by adding to said Chapter as Section 1989-a-54 the following: "That after the original establishment of a drainage district, as in this chapter provided, if the said board is satisfied that additional lands should be included within any drainage district, and that said lands are benefited by the improvement therein, and that said lands should have been included in said original district, then, in such case, the board may order the engineer to make a plat of said lands, with the elevations thereof, and report thereon; and thereupon if said report be in favor of including additional lands, which shall be particularly described in the report, said board shall proceed in such matter as to said proposed annexed territory as in the original establishing of such district, including the fixing and levying of the special tax for benefits, and thereafter the said annexed territory shall be a part of said district, and governed in all respects as lands within the original district; or said annexation may be made and brought under the jurisdiction of the board for all of said purposes upon the petition of the owners of all the lands to be annexed.

16. Amend the bill by adding thereto the following Section:

SEC. 23. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

17. Amend the bill by renumbering Sections 18, 21, 22, 23, 24 and 25 as 17, 18, 19, 20, 21 and 22, and when so amended the bill do pass.

J. H. ALLEN,
Acting Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 347, a bill for an act to amend Section two thousand three hundred forty-one-a (2341-a), Supplement to the Code, 1907, relative to the requirements as to soundness of stallions kept for public service, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. H. ALLEN,
Acting Chairman.

Adopted.

So the bill was indefinitely postponed.

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. 440, a bill for an act providing that superior courts shall have jurisdiction of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics, under Chapter 2-a of the Supplement to the Code, 1907.

C. R. BENEDICT,
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 471, a bill for an act to amend Section 2674-f, Title 13, Chapter 4, of the Supplement to the Code, 1907, relating to the duties of the highway commission.

C. R. BENEDICT,
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. 448, a bill for an act to amend Section 1304 of the Supplement to the Code, 1907, in relation to classes of property exempt from the assessments of taxes.

C. R. BENEDICT,
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. 406, a bill for an act to amend Section 2823-a Supplement to the Code, 1907, relating to the duties of parents or guardians.

C. R. BENEDICT,
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. 524, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth representative district of Iowa, the 26th representative district of Iowa, the 45th representative district of Iowa, the 59th representative district of Iowa and the 67th representative district of Iowa and to pay sundry persons for services, mileage and other expenses incurred in connection with said election contests.

C. R. BENEDICT,
Chief Clerk.

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:

House Joint Resolution No. 9 petitioning congress to call a convention for the purpose of amending the constitution.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House requests the recall for further consideration of Senate File No. 348, a bill for an act to repeal Section sixty-nine (69) of the Code, and to enact a substitute therefor, providing for a report by the board of parole, also to amend Section two hundred and ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section four hundred seventy-five (475) of the Code, relating to the report of county auditors; also amending section five thousand six hundred and forty-one (5641) of the Code, relating to the duties of the sheriff.

C. R. BENEDICT,
Chief Clerk.

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. 399, a bill for an act to amend the law relating to the power of the board of parole.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Quigley, House File No. 314, a bill for an act to amend Sections Eight Hundred Forty-nine-a (849-a), Eight Hundred Forty-nine-b (849-b), Eight Hundred Forty-nine-c (849-c), Eight Hundred Forty-nine-e (849-e), Eight Hundred Forty-nine-f (849-f), Eight Hundred Forty-nine-g (849-g) and Eight Hundred Forty-nine-h (849-h) of the Supplement to the Code, 1907, relating to the protection of city and town property from floods with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Quigley moved that the rules be suspended and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Chapman, Dowell, Foley, Frudden, Gates, Gilliland,

Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Whipple, Whiting, Wilson—27.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Francis, Moon, McManus, Nichols, Parshall, Proudfoot, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, White—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hammill, House File No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers bonds with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Hammill moved that the further consideration of the bill be deferred and that it be made a special order to follow special order No. 2 set for Tuesday forenoon.

Carried.

On motion of Senator White, Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district was taken up and considered.

Senator White moved that the Senate concur in the following House amendment:

Amend by adding to Section One the following: "That the word 'fifteen' is hereby stricken out of the thirteenth line of said Section, and the word 'twenty-five' inserted in lieu of the word so stricken out."

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

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Cosson, De Armand, Foley, Frudden, Gilliland, Hunter, Larrabee, Peterson, Ream, Sammis, White—13.

The nays were:

Senators Adams, Balkema, Brown, Clarkson, McCulloch, Maytag, Nichols, Savage, Smith of Des Moines, Smith of Mitchell, Wilson—11.

Absent or not voting:

Senators Bennett, Bruce, Burgess, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Hammill, Hoyt, McManus, Mattes, Moon, Parshall, Proudfoot, Quigley, Saunders Seeley, Stuckslager, Taylor, Van Law, Whipple, Whiting—25.

So the House amendment having failed to receive a constitutional majority was declared that the Senate refuse to concur in the House amendments.

Carried.

On motion of Senator Dowell, House File No. 482, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury County Iowa, with report of committee recommending amendments and passage was taken up, considered, and the report of the committee adopted.

Senator Dowell moved the adoption of the following amendment:

Amend Section Three by adding thereto the following: "Which publication shall be without expense to the state."

Adopted.

Senator Dowell moved that the rules 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 ayes were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Chapman, Clarkson, Cosson, De Armand, Dowell, Foley, Frudden, Gates, Gillilland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Whipple, White, Whiting, Wilson—30.

The nays were :

None.

Absent or not voting :

Senators Bennett, Bruce, Burgess, Clark, DeWolf, Fitchpatrick, Francis, McCulloch, McManus, Moon, Nichols, Parshall, Proudfoot, Sammis, Saunders, Smith of Mitchell, Stuckslager, Taylor, Van Law—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 233, a bill for an act to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Dowell moved that the rules 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 ayes were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Chapman, Clarkson, Cosson, De Armand, Dowell, Foley, Frudden, Gates, Gillilland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting, Wilson—33.

The nays were :

None.

Absent or not voting :

Senators Bennett, Bruce, Burgess, Clark, De Wolf, Fitchpatrick, Francis, McManus, Moon, Parshall, Proudfoot, Sammis, Stuckslager, Taylor, Van Law, White—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 234, a bill for an act to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dowell moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Chapman, Clarkson, De Armand, Dowell, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, Burgess, Clark, Cosson, De Wolf, Fitchpatrick, Francis, McManus, Moon, Parshall, Proudfoot, Sammis, Stuckslager, Taylor, Van Law, White, Whiting—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 490, a bill for an act to legalize the incorporation of the town of Knierim, Calhoun County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Dowell moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Chapman, Clarkson, Cosson, De Armand, Dowell, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Balkema, Bennett, Bruce, Burgess, Clark, De Wolf, Fitchpatrick, Francis, Hunter, McManus, Moon, Parshall, Proudfoot, Sammis, Saunders, Stuckslager, Taylor, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Foley asked unanimous consent to have printed 200 extra copies of Senate File No. 166 with amendments.

Consent granted.

Senator Allen of Pocahontas moved that the request of the House for the return to the House of Senate File No. 248 be granted.

Carried.

INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 422.

A Bill for an Act Legalizing the Ordinances of the Incorporated Town of Laurens, Iowa.

WHEREAS, Doubts have arisen concerning the validity of the ordinances of the incorporated town of Laurens, Iowa, owing to informalities happening at the time of the passage of such ordinances and it is desirable that such ordinances shall be validated and legalized, therefore,

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That all of the ordinances of the incorporated town of Laurens, Iowa, which are or purport to be in force are hereby legalized and made valid in every respect the same as if the law had been complied with in every particular with respect to the passage of such ordinances; but this act shall not legalize or make valid any ordinance or part of an ordinance which the town council of said town had no authority to enact at the time when such ordinance purports to have been enacted; provided that nothing contained in this act shall affect pending litigation.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in full force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Pocahontas County Sun, a newspaper published at Laurens, Iowa, as provided by law, without expense to the State.

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

THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 265, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city, was taken up and considered.

Senator Hunter moved the adoption of the report of the Conference Committee on House File No. 265.

Adopted.

Senator Hunter moved that the substitute recommended by the Conference Committee be substituted for the original bill.

Carried.

The substitute was read first and second time.

The bill was read a third time for the information of the Senate.

Senator Hunter moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

Senator Hunter moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Chapman, Clarkson, Cosson, De Armand, Dowell, Frud-
den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Maytag,
Nichols, Peterson, Quigley, Ream, Sammis, Saunders, Seeley, Smith
of Mitchell, Whipple, White, Whiting, Wilson—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Bennett, Bruce, Burgess, Clark, De Wolf,
Fitchpatrick, Foley, Francis, McManus, Mattes, McCulloch, Moon,
Parshall, Proudfoot, Savage, Smith of Des Moines, Stuckslager,
Taylor, Van Law—20.

So the bill having received a constitutional majority was de-
clared to have passed the Senate and its title agreed to.

Senator Allen of Pocahontas, asked consent to withdraw from
the Committee on Judiciary, Senate File No. 422, and that it be
taken up for consideration.

Consent granted.

On motion of Senator Allen of Pocahontas, Senate File No. 422,
a bill for an act legalizing the ordinances of the incorporated
town of Laurens, Iowa, was taken up and considered.

Senator Allen of Pocahontas, moved that the rules by which no
bill shall be read a second and third time on the same day, be
suspended.

Carried.

Senator Allen of Pocahontas, moved that the rules be suspended
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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema,
Chapman, Clarkson, Cosson, De Armand, Dowell, Foley, Frudden,
Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch,
Maytag, Nichols, Peterson, Quigley, Ream, Sammis, Seeley, Smith
of Mitchell, Whipple, White, Whiting, Wilson—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Bennett, Brown, Bruce, Burgess, Clark, De Wolf, Fitchpatrick, Francis, McManus, Mattes, Moon, Parshall, Proudfoot, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 440, a bill for an act providing that superior courts shall have jurisdiction of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics, under Chapter 2-a of the Supplement to the Code, 1907.

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

House File No. 471, a bill for an act to amend Section Twenty-six Hundred and Seventy-four-f (2674-f), Title Thirteen (13), Chapter Four (4) of the Supplement to the Code, 1907, relating to the duties of the highway commission.

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

House File No. 448, a bill for an act to amend Section One Thousand Three Hundred Four (1304) of the Supplement to the Code, 1907, in relation to classes of property exempt from the assessment of taxes.

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

House File No. 406, a bill for an act to amend Section Twenty-eight Hundred Twenty-three-a (2823-a) Supplement to the Code, 1907, relating to the duties of parents or guardians.

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

House File No. 524, a bill for an act to appropriate money for

the purpose of defraying the expenses incurred in the election contests from the 10th representative district of Iowa; the 26th representative district of Iowa; the 45th representative district of Iowa; the 59th representative district of Iowa, and the 67th representative district of Iowa and to pay sundry persons for services, mileage and other expenses incurred in connection with said election contests.

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

House Joint Resolution No. 9, petitioning congress to call a convention for the purpose of amending the constitution.

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

Senate File No. 399, a bill for an act providing for the releasing or satisfying of recorded mortgages by corporations.

Passed on file.

Senator Dowell asked unanimous consent to take up for consideration the House Concurrent Resolution relative to furnishing certain employes of the Thirty-third General Assembly with Codes, Code Supplements and session laws.

Consent granted.

Senator Dowell moved that the Senate concur in the House Concurrent Resolution.

Carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

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

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 99, a bill for an act to amend Section twenty-six hundred seventy-five (2675) of the Code relating to the Normal School at Cedar Falls.

Also:

Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind.

Also:

Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof.

Also:

Senate File No. 266, a bill for an act to amend the law as it appears in Section eight hundred fifty-c (850-c) of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section eight hundred fifty-two (852) of the Code as amended by Chapter forty-three (43) of the acts of the thirty-second General Assembly.

Also:

Senate File No. 290, a bill for an act to repeal Section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c), and twenty-eight hundred twenty-d (2820-d) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the limit of indebtedness of independent school districts.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305) of the Code, relative to the time of granting administration.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 99, a bill for an act to amend Section twenty-six hundred seventy-five (2675) of the Code relating to the Normal School at Cedar Falls.

Also:

Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the school for the deaf and the college for the blind.

Also:

Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof.

Also:

Senate File No. 266, a bill for an act to amend the law as it appears in Section eight hundred fifty-c (850-c) of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section eight hundred fifty-two (852) of the Code as amended by Chapter forty-three (43) of the acts of the thirty-second General Assembly.

Also:

Senate File No. 290, a bill for an act to repeal Section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820c), and twenty-eight hundred twenty-d (2820-d) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the limit of indebtedness of independent school districts.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305) of the Code, relative to the time of granting administration.

Also:

House File No. 30, a bill for an act to amend Section five hundred and ninety-two (592) of the Code relating to the compensation of township assessors.

Also:

House File No. 189, a bill for an act to amend the law as it appears in Section sixteen hundred and sixty-one-a (1661-a), and sixteen hundred seventy-five (1675), Supplement to the Code of 1907, allowing appropriations for a short course in agriculture and domestic science.

Also:

House File No. 250, a bill for an act to repeal title eleven of the Code and the law as it appears in title eleven of the Supplement to the Code, 1907, relating to the militia and enacting a substitute therefor to be known as "the Military Code of Iowa."

Also:

House File No. 452, a bill for an act to amend Section four hundred thirty (430) of the Code relative to dependent soldiers' and sailors' tax.

Also:

House File No. 130, a bill for an act relating to the distribution of laws becoming effective by publication.

Also:

House File No. 200, a bill for an act providing for the deposit of money in lieu of bond where bonds are required as security for costs.

Also:

House File No. 208, a bill for an act to repeal Sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred seventy-a-1 (2570-a-1), twenty-five hundred and seventy-b (2570-b), and twenty-five hundred and seventy-one (2571) of the Supplement to the Code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health.

Also:

House File No. 382, a bill for an act to amend Section thirteen hundred three (1303) of the Supplement to the Code, 1907, relative to the amount of taxes to be levied for making and repairing bridges.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Senator Hoyt moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 5, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. J. George, of Atlantic, Iowa.

On request of Senator Parshall leave of absence was granted Senator Cosson on account of sickness.

On request of Senator Whipple leave of absence was granted Senator Stuckslager on account of sickness.

On request of Senator Smith of Des Moines, leave of absence was granted Senator Ream for the day.

On request of Senator Hunter leave of absence was granted Senator Mattes on account of sickness.

THIRD READING OF BILLS.

On motion of Senator Fitchpatrick, Senate File No. 399, a bill for an act providing for the releasing or satisfying of recorded mortgages by corporations, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

The substitute was read for information. Senator Fitchpatrick moved that the substitute be substituted for the original bill.

Carried.

Senator Fitchpatrick moved that the rules be suspended, 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 ayes were :

Senators Adams, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Quigley, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—31.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Bennett, Chapman, Clark, Clarkson, Cosson, DeWolf, Gilliland, Hoyt, Mattes, Moon, Parshall, Proudfoot, Ream, Sammis, Saunders, Stuckslager, Taylor—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Larrabee, House File No. 126, a bill for an act providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Larrabee moved that the rules 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 ayes were :

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Quigley, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, White, Whiting, Wilson—32.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Chapman, Clarkson, Cosson, De-Wolf, Gilliland, Hoyt, Mattes, Moon, Parshall, Proudfoot, Ream, Sammis, Saunders, Stuckslager, Taylor, Whipple—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Committee on Retrenchment and Reform, Senate File No. 423:

A Bill for an Act repealing Section One Hundred Sixty-two (162) of the Code and law as it appears in Sections One Hundred Sixty-three-A (163-A) and One Hundred Sixty-three-B (163-B) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State treasury and requiring a biennial report of State expenses for the several State offices, boards, commissions and institutions to be made by the Executive Council.

Be It Enacted by the General Assembly of the State of Iowa:

SECTION 1. That section one hundred sixty-two (162) of the Code is hereby repealed and the following enacted in lieu thereof:

All officers of the state, members of boards or commissions, officers of state institutions and all persons drawing funds from the treasury of the state shall file with the Auditor of State duplicate itemized vouchers, showing in detail the items of service, expense, things furnished or contracts upon which payment is sought before a warrant is issued upon the state treasury. Duplicate vouchers shall not be required to be filed for disbursements made on account of institutions under the management of the Board of Control or the State Board of Education. All warrants shall be drawn in the name of the person, firm or contractor entitled to payment or compensation and in no case shall warrants be drawn in the name of the certifying office, department, board or institution or in the name of an employe of the same except for personal service rendered or expense incurred by said employe unless there be express statutory authority therefor. When the law permits the drawing of funds in advance of their expenditure the person or persons drawing such funds shall file the itemized vouchers above required within one hundred (100) days after the issuance of any such warrant, each voucher to show by proper reference that it was paid out of the funds drawn on the date of the issuance of the warrant before mentioned. Duplicate copies of vouchers above required to be filed with the Auditor of State shall be filed by him with the Executive Council at the end of each month and by the Executive Council made available for the use of the expert accountant, named under the provisions of Section 161-a of the Supplement to the Code, 1907.

SEC. 2. That the law as it appears in Section one hundred sixty-three-a (163-a) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

Biennially, on or before the first day of September of each year prior to the convening of the General Assembly, the Executive Council shall

cause to be compiled a complete report of the expenditures of the several state offices, boards, commissions and institutions, except those institutions under the management of the Board of Control, or the State Board of Education in such manner as will show the amount and nature of all expenditures reported; the price paid for things or commodities purchased or furnished for said departments or institutions; the rates paid as salaries or per diem with the names of the officers, clerks or employes receiving compensation or payment for expenses; a statement of supplies and paper drawn from the supply department; a statement of printing and binding done for the several departments; a statement of fees collected and the disposition made thereof by each of said offices, boards, commissions and institutions.

All bills against the State of Iowa of any kind or character including personal per diem and expense accounts, now or hereafter required by law to be examined and approved by the Executive Council before payment is made therefor, shall be made out in duplicate and filed in the office of the secretary of the Executive Council. A copy of all the reports required to be filed with the several state departments, boards or commissions, by the Secretary of State, under the provisions of Section 120 of the Supplement to the Code, 1907, shall be filed with the Executive Council.

All other data required for this report shall be reported by the several state officers, departments or institutions to the Executive Council at such times and in such form as the Executive Council may direct. For the keeping of the necessary accounts, preparing the data thus to be reported and preparing the report required, the Executive Council may employ a competent clerk at not to exceed three (\$3) dollars per day for the time actually and necessarily employed, the expense thereof to be paid from the state treasury upon verified vouchers certified by the Executive Council.

SEC. 3. That the law as it appears in Section one hundred sixty-three-b (163-b) of the Supplement to the Code, 1907, be and is hereby repealed and the following enacted in lieu thereof:

The report required by Section two (2) of the act shall be published by the Executive Council in an edition of five thousand (5000) copies, five hundred (500) of which shall be bound in cloth and the balance in paper covers, and shall be distributed as follows: one copy bound in cloth and fifteen (15) copies in paper covers to each member of the General Assembly; one copy bound in cloth to each state officer; member of board and commission; one copy bound in cloth to each public, free and college library in the state; ten (10) copies bound in cloth to the state library; five (5) copies bound in cloth to the state historical department; one copy bound in paper to each county auditor, treasurer, clerk of the district court, and each newspaper in the state; the remaining copies in excess of the reserve list to be distributed on order of the Executive Council.

SEC. 4. This act shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, daily newspapers published in Des Moines, Iowa.

Read first and second time and placed on Calendar.

THIRD READING OF BILLS.

On motion of Senator Proudfoot, Senate File No. 92, a bill for an act to amend Section Five Thousand and Six (5006) of the Code relating to the sale and use of cigarettes, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

Senator Proudfoot moved that the substitute be substituted for the original bill.

Carried.

The substitute was read for information.

Senator Proudfoot moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Maytag, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Mitchell, Van Law, White, Whiting, Wilson—30.

The nays were:

Parshall—1.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Chapman, Clarkson, Cosson, DeWolf, Hoyt, McManus, Mattes, Moon, Nichols, Quigley, Ream, Sammis, Smith of Des Moines, Stuckslager, Taylor, Whipple—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Wilson, House File No. 230, a bill for an act to amend Section Two Thousand Two Hundred and Forty-seven (2247) of the Code in relation to the levy of a poor tax, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Wilson moved that the rules 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 ayes were:

Senators Allen of Van Buren, Balkema, Bruce, Burgess, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Larrabee, McCulloch, Maytag, Parshall, Peterson, Quigley, Sammis, Saunders, Seeley, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—27.

The nays were:

Senators Bennett, Brown, Proudfoot, Savage—4.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Chapman, Clarkson, Cosson, Dowell, Francis, Hammill, Hoyt, Hunter, McManus, Mattes, Moon, Nichols, Ream, Smith of Mitchell, Stuckslager, Taylor—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, House File No. 428, a bill for an act to amend the law as it appears in Section Four Hundred and twelve (412) Supplement to the Code, 1907, relative to the meeting of the board of supervisors, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Clark, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Chapman, Clarkson, Cosson, De Armand DeWolf, Gates, Hoyt, Mattes, Moon, Parshall, Proudfoot, Ream, Smith of Mitchell, Stuckslager, Taylor, Van Law—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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. 117, a bill for an act to amend Sections 1312 and 1404 of the Code, relating to the listing of and lien on personal property for taxes.

C. R. BENEDICT,
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. 367, a bill or an act to provide for recognition by the State Board of Medical Examiners of standard attainments in colleges other than medical colleges.

C. R. BENEDICT,
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. 382, a bill for an act authorizing the giving of pensions to retired and disabled policemen and certain dependents of deceased policemen.

C. R. BENEDICT,
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. 369, a bill for an act in regard to admission to the Soldiers' Home.

C. R. BENEDICT,
Chief Clerk.

Also:

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

Senate File No. 384, a bill for an act to amend the law as it appears in Section 741-f, Chapter 4, Title 5, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

C. R. BENEDICT,
Chief Clerk.

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. 337, a bill for an act to amend Section 638 of the Code relating to the extension of the limits of cities.

C. R. BENEDICT,
Chief Clerk.

Also:

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. 292, a bill for an act to repeal Section 2942-j of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 482, a bill for an acts legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury county, Iowa.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 121, a bill for an act to amend Section 1570 of the Code, 1907, providing for the time when osage orange, willow and other hedge fences shall be trimmed.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 175, a bill for an act to amend Section 1303 of the Supplement to the Code, 1907, relating to levying of taxes by board of supervisors.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 393, a bill for an act to amend Section 404 of the Code, relating to the sale or exchange of certain bonds.

C. R. BENEDICT,
Chief Clerk.

Also:

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

House File No. 29, a bill for an act repealing Section 591 of the Code, relating to compensation of township clerks and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the conference committee and adopted the conference committee substitute amendment to House File No. 265, a bill for an act to repeal Section 1530 of the Supplement to the Code, 1907, and enacting substitute therefor, relating to the road and drainage fund.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House requests the recall for further consideration of House File No. 524, a bill for an act appropriating money to defray the expenses of election contests from certain representative districts of Iowa.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to Senate File No. 281, a bill for an act to amend Section 2806, Supplement to the Code, 1907, relative to the contingent fund of school districts, and asks for a conference committee

and the Speaker appoints as such committee on the part of the House Grier of Poweshiek, Finlayson of Grundy, Ripley of Hancock, McDonald of Carroll.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Peterson, House File No. 349, a bill for an act to create the Iowa State Drainage, Water-ways and Conservation Commission, and defining the powers and duties of the same, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Peterson moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Maytag, Nichols, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—36.

The nays were:

Senators Brown, Quigley—2.

Absent or not voting:

Senators Chapman, Cosson, McCulloch, McManus, Mattes, Moon, Parshall, Ream, Stuckslager, Taylor, Wilson—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clark, Senate File No. 133, a bill for an act to amend Section Twenty-five Hundred Seventy-four (2574) of the Code, providing for an increase in the salary of the Secretary of the State Board of Health, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Clark moved the adoption of the following amendment:

By striking out the word "twenty-five" in the fifth line of the original bill and inserting the word "fifteen" in lieu thereof.

Adopted.

Senator Clark moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Adams, Brown, Bruce, Cosson, De Wolf, Frudden, Manus, Mattes, Moon, Parshall, Ream, Stuckslager, Taylor, 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 Francis, Senate File No. 319, a bill for an act authorizing Boards of Supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof, was taken up and considered.

Senator Francis moved that the Senate concur in the following House amendments:

Amend by striking out all after the enacting clause and substituting the following in lieu thereof:

SECTION 1. The board of supervisors of any county may, upon written application designating the particular highways, the use of which is desired, grant to any person or corporation engaged in the manufacture

of electric light and power, the right to erect and maintain poles and wires, for the purpose of conducting electricity for lighting, heat and power purposes, in any public highway in their county for a period not to exceed twenty years, subject to the following conditions and such further reasonable regulations as the legislature or the board of supervisors may hereafter prescribe.

The grantee shall in no case have the exclusive right to use such highway for the conducting of the electricity.

The poles and fixtures shall be so constructed as to not incommode the public in the use of any road or the navigation of any stream.

When any road along which such lines have been constructed shall be changed, the person or corporation shall, upon ninety days notice in writing remove said lines to said road as established.

The grantee shall use only strong and proper wires, properly insulated, attached to strong and sufficient supports and insulated at all points of attachment.

They shall replace all wires with new wires whenever by ordinary wear or other causes they are no longer safe, and remove all wires, the use of which is abandoned.

They shall properly insulate every wire carrying electric light, heat or power currents where it enters a building and within such building so as to avoid danger from fires.

Where such wires are carried across or under wires used for other service, there shall be suspended under or over said power, heat or light service lines, properly constructed and insulated guard nets, or shall be protected by such other equally efficient devices as will prevent contact with such other service lines, in case of sagging or breaking of such wires.

After July 1, 1909, no such grant shall be made until notice of the hearing of said application shall be published once each week for two consecutive weeks in a newspaper printed and published in the county seat, and of general circulation in said county, stating the time when said application will be acted upon and designating the particular highways named in said application.

The grantees shall be responsible for all damages that may arise from such construction and operation under this grant or from a failure to comply with said provisions.

SEC. 2. Any person or corporation having received a grant as above stated who fails to comply with the provisions of the preceding section shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval and publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the State.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, Hammill, Hoyt, Hunter, Larrabee, McManus, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Bruce, Cosson, Dowell, Frudden, Gilliland, McCulloch, Mattes, Moon, Ream, Stuckslager, Taylor, Wilson—14.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Quigley, House File No. 373, a bill for an act to amend Section Three Hundred and Thirty-seven (337) of the Supplement to the Code, 1907, relating to the selection of jury lists, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Quigley moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, De Armand, De Wolf, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—36.

The nays were:

None.

Absent or not voting:

Senators Adams, Clark, Cosson, Dowell, Foley, Frudden, Mattes, Moon, Proudfoot, Ream, Stuckslager, Taylor, Wilson—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for the Insane Persons at Clarinda, Iowa, with report of Committee on Appropriations recommending passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved the adoption of the following amendments recommended by the Committee on Claims.

By striking out the words and figures Two Thousand Five Hundred (2500) in Section 1, and inserting in lieu thereof the words and figures One Thousand (1000).

Adopted.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Cosson, Francis, Frudden, Mattes, Moon, Proudfoot, Ream, Stuckslager, Taylor, Wilson—11.

So the bill having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 117, a bill for an act requiring all persons selling their personal property, with the intention of leaving the county or state, to secure all taxes due or to become due, on the property about to be sold.

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

House File No. 367, a bill for an act to provide for recognition by the State Board of Medical Examiners of standard attainments in colleges other than medical colleges.

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

Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a Board of Trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions.

Passed on file.

Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members.

Passed on file.

Senate File No. 384, a bill for an act to amend the law as it appears in Section Seven Hundred Forty-one-f (741-f), Chapter Four, Title Five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

Passed on file.

Senate File No. 337, a bill for an act to amend Section Six Hundred Thirty-eight (638) of the Code, relative to villages.

Passed on file.

House File No. 292, a bill for an act to repeal Section Two Thousand Nine Hundred Forty-two-j (2942-j) of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states, and to enact a substitute therefor.

Seantor Sammis moved that the vote by which House File No. 292 was indefinitely postponed be reconsidered.

Carried.

Senator Sammis moved that the bill be re-referred to the Committee on Judiciary.

Carried.

House File No. 482, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury County, Iowa.

Passed on file.

House File No. 121, a bill for an act to amend Section One Thousand Five Hundred and Seventy (1570) of the Code, 1907, providing for the time when osage orange, willow, and other hedge fences shall be trimmed.

Passed on file.

House File No. 175, a bill for an act to repeal Section Thirteen Hundred Three (1303) of the Supplement to the Code, 1907, relating to levy of taxes by Board of Supervisors, and to enact a substitute therefor.

Passed on file.

House File No. 29, a bill for an act repealing Section Five Hundred and Ninety-one (591) of the Code, relating to the compensation of township clerks and enacting a substitute therefor.

Passed on file.

House File No. 265, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the County Road Fund tax as is collected from property within the incorporated limits of any city.

Passed on file.

House File No. 524, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests from the 10th representative district of Iowa, the 26th representative district of Iowa, the 45th representative district of Iowa, the 59th representative district of Iowa, and the 67th representative district of Iowa, and to pay sundry persons for services, mileage and other expenses incurred in connection with said election contests.

Senator Saunders moved that the request of the House for the return of House File No. 524 be granted.

Carried.

Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 455, a bill for an act to amend Section Two Thousand, Eight Hundred Twenty-three-e (2823-e) of the Supplement to the Code, 1907, relating to the probation officers, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Van Law, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Adams, Cosson, Frudden, Mattes, Moon, Ream, Smith of Mitchell, Stuckslager, Taylor, Whipple—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders offered the following amendment to the title and moved its adoption:

I move to amend the title by striking out the word "probation" as the same appears in 3d line thereof and insert in lieu thereof the word "truant."

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

The President announced as Conference Committee on Senate File No. 281, on part of Senate: Senators Peterson, Gilliland, White and Clark.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 266, 334, 229, 99, 110 and 290, and House Files Nos. 452, 382, 250, 200, 208, 189 and 30.

On motion of Senator Peterson, House File No. 495, a bill for an act to amend Sections Nineteen Hundred Eighty-nine-a-two (1989-a-2), Nineteen Hundred Eighty-nine-a-four (1989-a-4), Nineteen Hundred Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-six (1989-a-6), Nineteen Hundred Eighty-nine-a-seven (1989-a-7), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-ten (1989-a-10), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12), Nineteen Hundred Eighty-nine-a-thirteen (1989-a-13), Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), Nineteen Hundred Eighty-nine-a-sixteen, (1989-a-16), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Nineteen Hundred Eighty-nine-a-twenty-one (1989-a-21), Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Nineteen Hundred Eighty-nine-a-twenty-seven (1989-a-27), Nineteen Hundred Eighty-nine-a-twenty-nine (1989-a-29), Nineteen Hundred Eighty-nine-a-thirty-two (1989-a-32), Nineteen Hundred Eighty-nine-a-thirty-five (1989-a-35), Nineteen Hundred Eighty-

nine-a-forty-four (1989-a-44), and to repeal Section Nineteen Hundred Eighty-nine-a-three (1989-a-3), Nineteen Hundred Eighty-nine-a-eleven (1989-a-11), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-courses, levees and drains, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Peterson moved the adoption of the following amendments:

1. Amend Section one of the bill by inserting a comma after the word "Code" in the second line and the figures "1907" and comma.

2. Amend Section two of the bill by striking out of the last line of said section the words "so far as" and inserting in lieu thereof the word "when."

3. Amend Section three of the bill by striking out the word "three" in the thirtieth line and inserting in lieu thereof the word "two" and by striking out the word "ten" in the thirty-second line and inserting the word "twenty" and by striking out the word "have" in the fortieth line.

4. Amend Section six by striking out all the words and punctuation marks commencing with the word "by" in the third line and ending with the word "also" before the word "by" in the fifth line.

5. Amend Section seven by substituting a period for the comma following the word "auditor" in line six of the bill and by striking out of said section all following said period.

6. Amend Section ten of the bill by inserting after the word "changed" in line six the following words: "or that a change or alteration in the location thereof should be made" and be further amended by striking out the figure "26" following the word "eighty-nine" in next to the last line of said section and inserting in lieu thereof the letter and figure as follows: "a-6."

7. Amend Section eleven of the bill by striking out all the words and punctuation marks commencing with the word "striking" in the third line thereof down to and including the word "by" in the sixth line thereof; and by striking out the quotation marks following the word "be" in line sixteen thereof and by adding after the period following said word the following: "Provided, however, that no deferred installment of the amount assessed, as between vendor and vendee, mortgagor and mortgagee, shall become a lien upon the property against which it is assessed and levied, until the thirty-first day of December of the year next preceding that in which it is due and payable." And be further amended by striking out the last four lines of said section.

8. Amend Section thirteen by striking out of said section all after the colon following the word "following" in line five and inserting in lieu thereof the following: "The board of supervisors shall be a proper party in all appeal cases for the purpose of representing the drainage district. When an appeal, authorized by this chapter, is taken, the county auditor shall forthwith make a transcript of the notice of appeal and appeal bond

and transmit the same to the clerk of the district court, and the clerk shall docket the same upon payment by the appellant of the docket fee; and on or before the first day of the next succeeding term of the district court, the appellant shall file a petition setting forth the order or decision of the board appealed from and his claims and objections relating thereto; a failure to comply with these requirements shall be deemed a waiver of the appeal and in such case the court shall dismiss the same; it shall not be necessary for the appellee to file answer to the petition unless some affirmative defense is made thereto, but he may do so. The board shall provide a book to be known as the "Drainage Record" and the county auditor shall keep a full and complete record therein of all proceedings of the board relating to drainage districts."

9. Amend Section fourteen of the bill by inserting after the word "by" in line five thereof the following words: "striking out the period at the end of said section and inserting in lieu thereof a semicolon and"; and be further amended by striking out all of said section after the period following the word "same" in line nine thereof and inserting in lieu thereof the following: "And be further amended by striking out the letter "a" following the word proceedings" in the fourth line from the end of said section and inserting in lieu thereof the word "or."

10. Amend by striking out of the bill Section fifteen (15) and inserting in lieu thereof the following:

SEC. 15. That the law as it appears in Section nineteen hundred eighty-nine-a-18 (1989-a-18) of the Supplement to the Code, 1907, be amended by inserting after the word "bridge" and before the comma following said word in the thirtieth line of said section the words: "when such improvement is located at the place of the natural waterway or place provided by the railroad company for the flow of the water"; and that said section be further amended by inserting after the word "bridge" and before the word "shall" in the thirty-third line of said section the following words and the punctuation marks, viz.: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water"; and that said section be further amended by adding after the period at the end of said section the following: "All other proceedings in relation to railroads shall be the same as provided for individual property owners within the drainage district."

11. Amend by striking out Section seventeen (17) of the bill.

12. Amend by striking out Section nineteen (19) of the bill.

13. Amend by striking out Section twenty (20) of the bill.

14. Amend Section twenty-one (21) of the bill by striking out all of said section after the colon following the word "words" in the fifth line thereof and inserting in lieu the following words: "At all joint meetings of the boards of supervisors of two or more counties the membership present of each board shall vote as a unit and in accord with the expressed desire of the majority of such membership found by a roll call thereof, a record of which shall be kept and recorded in the proceedings."

15. Amend the bill by adding the following sections thereto, as follows:

SEC. 22. That the law as it appears in Chapter two-a of Title ten of the Supplement to the Code, 1907, be amended by adding to said Chapter

as Section 1989-a-54 the following: That after the original establishment of a drainage district, as in this chapter provided, if the said board is satisfied that additional lands should be included within any drainage district, and that said lands are benefited by the improvement therein, and that said lands should have been included in said original district, then, in such case, the board may order the engineer to make a plat of said lands, with the elevations thereof, and report thereon; and thereupon if said report be in favor of including additional lands, which shall be particularly described in the report, said board shall proceed in such matter as to said proposed annexed territory as in the original establishing of such district, including the fixing and levying of the special tax for benefits, and thereafter the said annexed territory shall be a part of said district, and governed in all respects as lands within the original district; or said annexation may be made and brought under the jurisdiction of the board for all of said purposes upon the petition of the owners of all the lands to be annexed.

16. Amend the bill by adding thereto the following section:

SEC. 23. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

17. Amend the bill by renumbering Sections 18, 21, 22, 23, 24 and 25 as 17, 18, 19, 20, 21 and 22, and when so amended the bill do pass.

Senator Peterson offered the following amendment to the amendments, recommended by the committee:

I move to substitute for committee amendment Number 8, the following:

Amend Section thirteen by striking out of said section all after the colon following the word "following" in line five and inserting in lieu thereof the following: "The board of supervisors shall be a proper party in all appeal cases, or actions attacking the proceedings of the board had and taken under the provisions of this chapter, for the purpose of representing the drainage district, and all interested parties therein, other than those prosecuting the appeal or other adversary action; and the employment of counsel by the board, as authorized in this chapter shall be for the purpose of protecting all the rights of the drainage district and interested parties therein other than those prosecuting the appeal or other adversary action. In all appeals or adversary actions, the appellant or complaining party shall be entitled the plaintiff and the board of supervisors and drainage district it represents the defendant. When an appeal, authorized by this chapter, is taken, the county auditor shall forthwith make a transcript of the notice of appeal and appeal bond and transmit the same to the clerk of the district court, and the clerk shall docket the same upon payment by the appellant of the docket fee; and on or before the first day of the next succeeding term of the district court, the appellant shall file a petition setting forth the order or decision of the board appealed from and his claims and objections relating thereto; a failure to comply with these requirements shall be deemed a waiver of the appeal and in such case the court shall dismiss the same; it shall

not be necessary for the appellee to file answer to the petition unless some affirmative defense is made thereto, but he may do so. The board shall provide a book to be known as the "Drainage Record" and the county auditor shall keep a full and complete record therein of all proceedings of the board relating to drainage districts."

The amendment to the amendments was adopted.

The amendments as amended were adopted.

Further consideration of the bill was deferred.

On motion of Senator Dowell, Senate File No. 384, a bill for an act to amend the law as it appears in Section Seven Hundred Forty-one-f (741-f), Chapter Four, Title Five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall, was taken up and considered.

Senator Dowell moved that the Senate concur in the following House amendments:

Amend Section 1 by inserting the following words after the word "Section" in line 8: "Thirteen Hundred Six-b" and by enclosing the figures following said words in parenthesis.

Amend Section 2 by adding the following thereto: "without expense to the state."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Parshall, Peterson, Proudfoot, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Cosson, Foley, Gates, McManus, Mattes, Moon, Quigley, Ream, Sammis, Stuckslager, Taylor—12.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Allen of Pocahontas, House File No. 320, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code Nineteen Hundred and Seven (1907) relating to penalty for violation of the pure food laws, was taken up and considered.

Senator Clarkson offered the following amendment and moved its adoption:

I move to strike out the figure "1" following the word "Section" as appears in the bill and insert in lieu thereof figure "2;" further amend and strike out the period following the word "contents" in the last line as the law appears in Section Four Thousand Nine Hundred Ninety-nine-a-21 (4999-a-21), Supplement to the Code, 1907, and insert in lieu thereof a semi-colon and the following, as Section One of the bill: .

"Section 1. Provided that no penalties shall be imposed for the sale of goods, found to be less in weight or measure of contents than stated upon the label by reason of natural evaporation of moisture the package having been truthfully labeled in good faith when packed, the burden of proof thereof being on the defendant."

Adopted.

Senator Balkema offered the following amendment and moved its adoption:

I move to amend by striking out the word and figures "ten (10)" in the last line of Section 1 and insert in lieu thereof the word and figure "five (5)."

Adopted.

Senator De Armand moved that the vote by which the amendment offered by Senator Clarkson was adopted, be reconsidered.

Carried.

Senator Allen of Pocahontas moved that further consideration of the bill be postponed.

Carried.

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. 4, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same.

C. R. BENEDICT,
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. 97, a bill for an act to indemnify Gustave Winter for personal injury while employed at Independence State Hospital.

C. R. BENEDICT,
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. 496, a bill for an act to amend Section 4946-b of the Supplement to the Code, 1907, relating to the distribution of dissecting material.

C. R. BENEDICT,
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. 377, a bill for an act to amend Section 2505 of the Supplement to the Code, 1907, relating to the inspection of petroleum products.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Peterson, House File No. 495, a bill for an act to amend Sections Nineteen Hundred Eighty-nine-a-two (1989-a-2), Nineteen Hundred Eighty-nine-a-four (1989-a-4), Nineteen Hundred Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-six (1989-a-6), Nineteen Hundred Eighty-nine-a-seven (1989-a-7), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-ten (1989-a-10), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12), Nineteen Hundred Eighty-nine-a-thirteen (1989-a-13), Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), Nineteen Hundred Eighty-nine-a-

sixteen, (1989-a-16), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Nineteen Hundred Eighty-nine-a-twenty-one (1989-a-21), Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Nineteen Hundred Eighty-nine-a-twenty-seven (1989-a-27), Nineteen Hundred Eighty-nine-a-twenty-nine (1989-a-29), Nineteen Hundred Eighty-nine-a-thirty-two (1989-a-32), Nineteen Hundred Eighty-nine-a-thirty-five (1989-a-35), Nineteen Hundred Eighty-nine-a-forty-four (1989-a-44), and to repeal Section Nineteen Hundred Eighty-nine-a-three (1989-a-3), Nineteen Hundred Eighty-nine-a-eleven (1989-a-11), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-coures, levees and drains, was taken up and considered.

Senator Peterson moved that the rules 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Burgess, Chapman, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Bruce, Clarkson, Cosson, Larrabee, McManus, Mattes, Moon, Parshall, Ream, Stuckslager, Taylor, Wilson—14.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend the title of the bill by striking out the words and figures "Nineteen Hundred Eighty-nine-a-19 (1989-a-19)" in lines nine and ten of the printed bill and the words and figures "Nineteen Hundred Eighty-nine-a-27 (1989-a-27)" in lines ten and eleven thereof; and be further amended by inserting after the comma following the word "therefor" in line seventeen the following: "And to enact sections of law additional to Chapter Two-a of Title Ten (10) of the Supplement to the Code, 1907,

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 424, a bill for an act legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

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

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams 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 twenty-six hundred seventy-five (2675) of the Code, relating to the Normal School at Cedar Falls.

Also:

Senate File No. 110, a bill for an act providing for the education of deaf and blind children at the School for the Deaf and the College for the Blind.

Also:

Senate File No. 229, a bill for an act to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where prostitution, fornication or concubinage is allowed or practiced and providing punishment for the violation thereof.

Also:

Senate File No. 266, a bill for an act to amend the law as it appears in Section eight hundred fifty-c (850-c) of the Supplement to the Code, 1907, relating to the tax levy for park purposes and repealing Section eight hundred fifty-two (852) of the Code as amended by Chapter forty-three (43) of the Acts of the Thirty-second General Assembly.

Also:

Senate File No. 290, a bill for an act to repeal Section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b),

twenty-eight hundred twenty-c (2820-c), and twenty-eight hundred twenty-d (2820-d) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the limit of indebtedness of independent school districts.

Also:

Senate File No. 334, a bill for an act to amend the law as it appears in Section thirty-three hundred and five (3305) of the Code, relative to the time of granting administration.

HENRY L. ADAMS,
Chairman.

Adopted.

THIRD READING OF BILLS.

On motion of Senator De Armand, House File No. 436, a bill for an act relating to the renewal of teachers' certificates was taken up and considered.

The bill was read for information.

Senator De Armand moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bruce, Chapman, Clark, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—35.

The nays were:

Senator Brown—1.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Burgess, Clarkson, Cosson, De Wolf, McManus, Mattes, Moon, Ream, Smith of Mitchell, Stuckslager, Taylor—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Smith of Mitchell, 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. 34, a bill for an act to provide for the taxation of mortgages of real property, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,
Chairman.

Adopted.

So the bill was indefinitely postponed.

HOUSE MESSAGES CONSIDERED.

House File No. 4, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same.

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

Senator Allen of Pocahontas moved that the bill be placed on the Calendar without reference.

The motion was lost.

House File No. 97, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the Hospital for Insane at Independence, Iowa.

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

House File No. 377, a bill for an act to amend the law as it appears in Section Twenty-five Hundred Five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products.

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

House File No. 496, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Forty-six-b (4946-b) of the Supplement to the Code, 1907, relating to the distribution of dissecting material.

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

INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield, in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

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

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

Senator Saunders moved that the Senate do now adjourn until 1:30 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock P. M., President Clarke presiding.

Senator Smith of Mitchell moved that House File No. 3 be recalled from the Committee on Ways and Means and referred to the Committee on Appropriations.

Carried.

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. 530, a bill for an act appropriating money to defray expenses of the investigating committee for the hospitals of the insane.

C. R. BENEDICT,
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. 494, a bill for an act to amend Section 2823-p of the Supplement to the Code, 1907, relating to school libraries.

C. R. BENEDICT,
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. 531, a bill for an act appropriating money to defray expenses of visiting committees to the state educational institutions.

C. R. BENEDICT,
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. 523, a bill for an act to amend Chapter 9, Title 25 of the Code of Iowa to regulate the issuance of warrants upon requisitions from governors of other states and territories.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended by substitute amendment and passed the following bill in which the concurrence of the House was asked:

Senate File No. 113, a bill for an act to amend the law as it appears in Sections ten hundred eighty-seven-a-1 (1087-a-1), ten hundred eighty-seven-a-5 (1087-a-5), ten hundred eighty-seven-a-6 (1087-a-6), ten hundred eighty-seven-a-12 (1087-a-12), ten hundred eighty-seven-a-21 (1087-a-21), ten hundred eighty-seven-a-22 (1087-a-22), ten hundred eighty-seven-a-25 (1087-a-25), ten hundred eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections ten hundred eighty-seven-a-13 (1087-a-13), ten hundred eighty-seven-a-15 (1087-a-15) and ten hundred eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 414, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section Three Thousand One Hundred Sixty-j (3160-j) of the Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Saunders moved that the rules 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Dowell, Francis, Larrabee, McManus, Mattes, Moon, Parshall, Sammis, Stuckslager, Taylor, White—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Van Law, House File No. 273, a bill for an act to authorize the commandant of the Soldiers' Home to sell effects of deceased soldiers, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Van Law moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Nichols, Peterson, Proudfoot,

Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Cosson, Dowell, Foley, Gates, Mattes, Maytag, Moon, Parshall, Sammis, Stuckslager, Taylor, White—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, House File No. 229, a bill for an act relating to fish and game, and making appropriation for the fish and game commission of the State of Iowa, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Gates, Mattes, Moon, Parshall, Sammis, Stuckslager, Taylor, White—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Mitchell, House File No. 424, a bill for an act to amend Section 2823-a of the Supplement to the Code, 1907, relating to education, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Smith of Mitchell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

Senator Savage—1.

Absent or not voting:

Senators De Armand, Gates, Mattes, Moon, Parshall, Sammis, Stuckslager, Taylor—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 300, a bill for an act to amend the law as it appears in Sub-division One of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to statement of consent to the sale of intoxicating liquors, with report of committee recommending indefinite postponement, was taken up and considered.

On the adoption of the report of the committee a roll call was demanded.

Those favoring the adoption of the report of the Committee were:

Senators Adams, Brown, Bruce, Chapman, Clarkson, De Armand, De Wolf, Foley, Frudden, Hoyt, McCulloch, McManus, Maytag, Nichols, Peterson, Quigley, Ream, Savage, Seeley, Smith of Des Moines, White, Wilson—22.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Clark, Cosson, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Larrabee, Proudfoot, Smith of Mitchell, Van Law, Whipple, Whiting—17.

Absent or not voting:

Senators Burgess, Dowell, Gates, Mattes, Moon, Parshall, Sammis, Saunders, Stuckslager, Taylor—10.

So the motion prevailed and the bill was indefinitely postponed.

On motion of Senator Ream, Senate File No. 389, a bill for an act to prescribe the method of constructing and operating gypsum mines and to provide for the inspection of same by the state mine inspectors, additional to Chapter Nine (9) of Title Twelve (12) of the Code, was taken up and considered.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend the Bill by striking out all of Section one after the figure 1, and inserting in lieu thereof the following: That Section two thousand four hundred seventy-nine-a, Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof: "The Executive Council shall appoint a board of seven examiners consisting of two practical miners, two mine operators, all holding certificates of competency as mine foremen, one practical gypsum miner, one gypsum operator, and one mining engineer, each of whom shall have had at least five years actual experience in his profession immediately preceding his appointment, who shall hold office for a term of two years. The members of said board shall qualify by taking oath to perform the duties devolving upon them fairly, faithfully, and impartially, without fear or favor, uninfluenced by personal or political considerations. No member of said board shall be interested in or connected with any school, scheme, plan or device having for its object the preparation, education or instruction of persons in the knowledge required of applicants for certificates of competency. Any member of said board shall be summarily removed from office by the Executive Council, upon due notice and hearing,

for violation of the law, misfeasance or malfeasance in the performance of his duties, or for other sufficient cause, and his successor shall thereupon be appointed by the said Executive Council for the unexpired term."

Amend Section 3 of the Bill by striking out the word "one" as it appears after the word "section" in lines two, three, and six, and inserting in lieu thereof the word "two."

Further consideration of the bill was postponed.

On motion of Senator Maytag, House File No. 198, a bill for an act to amend Sections Two Thousand Five Hundred Thirty (2530) and Two Thousand Five Hundred Thirty-six (2536) of the Supplement to the Code, relating to State Veterinary Surgeon, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved the adoption of the following amendment:

That Section 2 thereof be amended by striking out the word "fifteen" in the fifth line and inserting in lieu thereof the word "eleven."

Adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Peterson, Proudfoot, Ream, Saunders, Savage, Seelye, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Dowell, McManus, Mattes, Moon, Nichols, Parshall, Quigley, Sammis, Stuckslager, Taylor, White—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clarkson, Senate File No. 82, a bill for an act to amend Section Twenty-five Hundred and Seventy-one (2571) of the 1907 Supplement of the Code, relating to the publication of rules and regulations of local Boards of Health, was taken up and considered, and the report of committee adopted.

Senator Clarkson moved that the vote by which Senate File No. 82 passed the Senate and also the vote by which it passed to its third reading, be reconsidered.

Carried.

Senator Clarkson moved that the bill be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

Senator Savage moved that House File No. 367, be recalled from the Committee on Public Health and that it be referred to the Committee on Educational Institutions.

The motion was lost.

On motion of Senator Whipple, House File No. 450, a bill for an act providing for the enumeration of deaf and blind persons, additional to Chapter One (1), Title Seven (7), of the Code, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Whipple moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saund-

ers, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Clarkson, McManus, Mattes, Moon, Parshall, Sammis, Savage, Seeley, Stuckslager, Taylor, Wilson—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cosson, Senate File No. 105, a bill for an act to amend the law as it appears in Section Five Thousand and Twenty-eight (5028) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities, or localities, defining the same and providing penalties for persons found guilty thereof, was taken up and considered.

Senator Cosson moved that the Senate concur in the following House amendment:

Strike out the words, "but prices made to meet competition in such locality shall not be in violation of this act."

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

The ayes were:

Senators Cosson, White—2.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—38.

Absent or not voting:

Senators Larrabee, McCulloch, McManus, Mattes, Moon, Parshall, Seeley, Stuckslager, Taylor—9.

So the House amendment having failed to receive a constitutional majority it was declared that the Senate refuses to concur.

On motion of Senator Allen of Pocahontas, Senate File No. 164, a bill for an act to amend the law as it appears in Section 1758-a and Section 1709 of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section 1710 of the Supplement to the Code, 1907, and enacting a substitute therefor, was taken up and considered.

Senator Allen of Pocahontas moved that the Senate concur in the following House amendment:

Amend Section 3 of the original bill by inserting after the word "law" in line twenty-nine of said section, the words and punctuation, "of any other state or nation, and authorized under the laws."

Also amend Section Three by striking from the seventh line from the bottom thereof the word, "largeny" and inserting in lieu thereof the word "larceny."

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

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clark-son, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, Maytag, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Van Law, Whipple, White, Whiting—38.

The nays were:

None.

Absent or not voting:

Senators Hunter, McManus, Mattes, Moon, Nichols, Parshall, Seeley, Smith of Des Moines, Stuckslager, Taylor, Wilson—11.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Allen of Pocahontas, Senate File No. 357, a bill for an act relating to the compensation of the Superintendent of Public Instruction, was taken up and considered.

The motion to reconsider the vote by which the bill failed to pass the Senate prevailed.

Senator Allen of Pocahontas, moved that the vote by which the bill passed to its third reading be reconsidered.

Senator Dowell raised the point of order that the motion is out of order because of having been made too late under the rules.

The President ruled the point of order well taken.

The bill was read for information.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Peterson, Sammis, Saunders, Savage, Seeley, Whipple—27.

The nays were:

Senators Brown, Larrabee, Maytag, Proudfoot, Ream, Smith of Des Moines, Smith of Mitchell, Van Law, Whiting—9.

Absent or not voting:

Senators Bennett, Dowell, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Quigley, Stuckslager, Taylor, White, Wilson—13.

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 Adams 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 Joint Resolution No. 2, providing for and empowering the Board of Regents of the State University, the trustees of the Iowa State College of Agriculture

and Mechanic Arts and the trustees of the State Teachers College at Cedar Falls to make application for the admission of these State institutions to the rights and privileges of the Carnegie foundation for the advancement of teaching and to receive the same.

Also:

House File No. 31, a bill for an act to amend Section five hundred and ninety (590) of the Code relating to the compensation of township trustees.

Also:

House File No. 185, a bill for an act to amend Section two thousand five hundred eighty-eight (2588) of the Code, and section two thousand five hundred ninety-three (2593) of the Supplement to the Code, 1907, relating to the sale of denatured alcohol and poison fly paper.

Also:

House File No. 201, a bill for an act to repeal Section ten hundred ninety-one (1091) of the Code, relative to polling places for country precincts and to enact a substitute therefor.

Also:

House File No. 290, a bill for an act amendatory of and additional to Chapter fifteen (15), Title twelve (12) of the Code and Supplement to the Code, relative to the care and propagation of fish.

Also:

House File No. 291, a bill for an act to amend Section four thousand nine hundred and seventy-nine (4979) of the Code, relating to offenses against the public health.

Also:

House File No. 296, a bill for an act to repeal Sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), twenty-five hundred sixty-three-g (2563-g), twenty-five hundred sixtythree-h (2563-h) of the Supplement to the Code, 1907, and to enact in lieu thereof the following relating to protection of game.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Balkema, House File No. 320, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-twenty-five (4999-a-25) of the Supplement to the Code, Nineteen Hundred and Seven (1907) relating to penalty for violation of the pure food laws, was taken up and considered.

Senator Clarkson offered the following substitute amendment and moved its adoption:

I move as an amendment for all pending amendments and to amend the bill by striking out all after the enacting clause and substitute therefor the following:

SECTION 1. That the law as it appears in Section 4999-a-21 of the Supplement to the Code, 1907, be amended by striking out the period following the word "contents" in the last line of said section, and inserting in lieu thereof a semi-colon and the following: "Provided that no penalties shall be imposed for the sale of goods, found to be less in weight and measure of contents than stated upon the label, by reason of natural evaporation of moisture, the package having been truthfully labeled in good faith when packed, the burden of proof thereof being on the defendant."

SECTION 2. That the law as it appears in Section 4999-a-25 of the Supplement to the Code, 1907, be amended by striking out the period after the word "dollars" in the seventh line thereof and inserting thereafter the following: "When less than five (\$5.00) dollars."

The substitute amendment was adopted.

The amendment as amended was adopted.

Senator Allen of Pocahontas moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Bennett, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, Peterson, Proudfoot, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting—28.

The nays were:

Senator White—1.

Absent or not voting:

Senators Balkema, Brown, Bruce, Burgess, De Armand, Frud-den, Gates, Hammill, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Quigley, Saunders, Savage, Stuckslager, Taylor, Wil-son—20.

Senator Clarkson offered the following amendment to the title and moved its adoption:

I move as a substitute for the title of the bill the following: A bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a-twenty-one (4999-a-21) and Four Thousand Nine Hundred and Ninety-nine-a-twenty-five (4999-a-25), Supplement to the Code, 1907, relating to pure foods, weights, measures and labeling and providing a minimum penalty for violation of pure food laws.

Adopted.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

On motion of Senator Whipple, House File No. 12, a bill for an act providing for the guardianship of the estates of absentees, (additional to Chapter Five (5) Title Sixteen (XVI) of the Code), with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Whipple moved the adoption of the following amend-ments:

Amend Section 1 of the bill by striking out of lines 1 and 5, inclusive the words "When any adult resident of the state own-ing property therein, shall disappear from his usual place of residence and his whereabouts shall be unknown to the members of his family or other persons with whom he resided immediately before his disappearance," and by inserting in lieu thereof the words, "When any adult person owning property within the state and whose whereabouts are and have been unknown."

Amend Section 1 by striking out of line 9 thereof the words, "the person so disappearing last resided" and by inserting in lieu there-of the words "the property or any part thereof is situated."

Amend Section 2 of the bill by striking out the period at the end of said Section, and by inserting in lieu thereof a comma and by adding to said section the words "and shall be allowed reasonable compensation therefor to be fixed by the court."

Adopted.

Senator Whipple moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Balkema, De Wolf, McManus, Mattes, Maytag, Moon, Parshall, Smith of Mitchell, Stuckslager, Taylor—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hunter, Senate File No. 226, a bill for an act to amend Section Fifteen Hundred and Thirty (1530) of the Supplement to the Code, 1907, by providing for the delivery to the city treasurer of so much of the County Road Fund tax as is collected from property within the incorporated limits of any city, was taken up and considered.

Senator Hunter moved that the bill be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

HOUSE MESSAGES CONSIDERED.

House File No. 523, a bill for an act to amend Chapter 9, Title 25, of the Code of Iowa, to regulate the issuance of warrants upon requisition from governors of other states and territories.

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

House File No. 530, a bill for an act appropriating money to defray expenses of the Investigating Committee for the hospitals for insane.

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

House File No. 494, a bill for an act to amend Section Two Thousand Eight Hundred Twenty-three-p (2823-p) of the Supplement to the Code, 1907, relating to furnishing a list of books suitable for use in school district libraries.

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

House File No. 531, a bill for an act making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirty-third General Assembly to visit the several state educational institutions.

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

House substitute for Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

Read first and second time and referred to Committee on Elections.

Senator Hoyt, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims to whom was referred House File No. 97, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the Hospital for the Insane at Independence, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

E. H. HOYT,
Chairman.

Ordered passed on file.

Senator Hoyt moved that the bill be referred to the Committee on Appropriations.

Carried.

Senator Chapman, from the Committee on Suppression of Intemperance, submitted the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance to whom was referred House File No. 378, a bill for an act defining the offense and providing a punishment for the purchasing of intoxicating liquors, or the inducing of the purchase of the same, by persons to whom the sale of such liquors is forbidden by law, beg leave to report they have had the same under consideration and recommend the same be amended by striking out all of Section one, and when so amended the bill do pass.

H. R. CHAPMAN,
Acting Chairman.

Ordered passed on file.

Senator Allen of Van Buren moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 6, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Thos. K. Hunter of Nevada, Iowa.

On request of Senator Bennett leave of absence was granted Senator Mattes for the day.

On request of Senator Gilliland, leave of absence was granted Senator Cosson on account of sickness.

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 herewith asks the recall of Senate File No. 328, a bill for an act to amend the law as it appears in Section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House requests the recall for further consideration of Senate File No. 379, a bill for an act to amend Section 5718-a-18 of the Supplement to the Code, 1907, relating to the power of the Board of Parole.

C. R. BENEDICT,
Chief Clerk.

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. 324, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section 3260-j of Supplement to the Code, 1907.

C. R. BENEDICT,
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. 184, a bill for an act to amend Section 3060-a-87 of the Supplement to the Code, 1907, relative to the payment of negotiable instruments payable at a bank.

C. R. BENEDICT,
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. 393, a bill for an act to amend Section 480-b of the Supplement to the Code, 1907, relating to the duties of county auditors.

C. R. BENEDICT,
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. 359, a bill for an act to amend Section 2532 of the Supplement to the Code, 1907, relative to the practice of medicine and providing for the issuance of temporary permits.

C. R. BENEDICT,
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. 322, a bill for an act appropriating the sum of one hundred and thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the State of Iowa arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.

C. R. BENEDICT,
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. 400, a bill for an act to amend Section 1788 of the Supplement to the Code, 1907, relating to the matter of the assessment of life insurance associations, and providing for the deposit by members, of cash for future assessments.

C. R. BENEDICT,
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. 491, a bill for an act to amend the law as it appears in Section 2510-c of the Supplement to the Code, 1907, relating to the manufacture and sale of linseed and other oils, and the adulteration thereof.

C. R. BENEDICT,
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. 507, a bill for an act to amend the law as it appears in Section 2812-e of the Supplement to the Code, 1907, relating to the duration of school bonds.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 507, a bill for an act to amend the law as it appears in Section Twenty-eight Hundred Twelve-e (2812-e) of the Supplement to the Code, 1907, relating to the duration of school bonds.

Read first and second time and referred to Committee on Judiciary.

House File No. 491, a bill for an act to amend the law as it appears in Section Twenty-five Hundred Ten-e (2510-e) of the Supplement to the Code, 1907, relating to the manufacture and sale of linseed and other oils, and the adulteration thereof.

Read first and second time and referred to Committee on Manufacturing.

Senate File No. 328, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred and Thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

Passed on file.

Senate File No. 379, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred Eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles.

Passed on file.

Senate File No. 324, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section Three Thousand Two Hundred Sixty-j (3260-j) of the Supplement to the Code, 1907.

Passed on file.

House File No. 184, a bill for an act to amend the negotiable instruments law relative to the payment of instruments payable at a bank.

Read first and second time and referred to Committee on Banks and Banking.

Senate File No. 393, a bill for an act to amend the law as it appears in Section Four Hundred Eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of county auditors.

Passed on file.

House File No. 359, a bill for an act to amend Section Twenty-five Hundred Eighty-two (2582) of the Supplement to the Code, relative to the practice of medicine and providing for the issuance of temporary permits.

Read first and second time and referred to Committee on Public Health.

House File No. 322, a bill for an act appropriating the sum of One Hundred Thirty-nine Dollars and Sixty-five Cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the State of Iowa arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.

Read first and second time and referred to Committee on Appropriations.

House File No. 400, a bill for an act to amend Section One Thousand Seven Hundred Eighty-eight (1788) of the Supplement to the Code, 1907, relating to the matter of the assessment of life insurance associations, and providing for the deposit by members, of cash or notes for future assessments.

Read first and second time and referred to Committee on Insurance.

REPORTS OF COMMITTEES.

Senator Nichols, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your committee on Highways, to whom was referred House File No. 471, a bill for an act to amend Section twenty-six hundred and seventy-four-f (2674-f), Title thirteen (13), Chapter four (4) of the Supplement to the Code, 1907, relating to the duties of the Highway Commission, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. I. NICHOLS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Smith of Mitchell, 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. 448, a bill for an act to amend Section 1304 of the Supplement to the Code, 1907, in relation to the classes of property exempt from the assessment of taxes, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 113, a bill for an act to amend the law as it appears in Section Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5) Ten Hundred Eighty-seven-a-6 (1087-a-6) Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-

22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15) and Ten Hundred Eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and to enact substitutes therefor, relating to the holding of primary elections by political parties, was taken up and considered.

Senator Peterson moved that the Senate concur in the following House amendments:

Amend by striking out all after the enacting clause and substituting the following:

SECTION 1. That the law as it appears in Section one thousand eighty-seven-a1 (1087-a1) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out of said section all after the period following the word "provided" in the fourteenth line thereof.

SEC. 2. That the law as it appears in Section one thousand eighty-seven-a5 (1087-a5) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out the comma following the word "election" in the sixth line of said section and inserting in lieu thereof a period; and by striking out of said section all after the period and inserting in lieu thereof the following: "The expenses of the primary election shall be audited by the board of supervisors of each county and be paid the same as the expenses of the general election. The compensation of the judges and clerks of the primary election shall be the sum of twenty-five cents per hour for all official services rendered by any such judge or clerk at any such election."

SEC. 3. That the law as it appears in Section one thousand eighty-seven-a6 (1087-a6) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out of said section the certain figures, characters, letters and words after the word "from" and before the article "the" in the seventh line of said section, to-wit: "1:00 p. m. to 8:00 p. m." and inserting in lieu thereof the following: "nine o'clock a. m. to eight o'clock p. m."

SEC. 4. That the law as it appears in Section one thousand eighty-seven-a10 (1087-a10) of the Supplement to the Code, 1907, be, and the same is hereby amended by inserting a comma immediately after the word "county" in the eighteenth line of said section and by inserting immediately after said comma the following, "or a candidate for party committeeman"; and by striking out from said section all of line sixty-one after the word "am"; and by adding to said section after the period at the end thereof, the following: "All nomination papers shall be destroyed at the same time and in the manner in which the primary election ballots are destroyed"; and by striking out the word "thirty" in line fifty-four and inserting in lieu thereof the word "fifteen."

SEC. 5. That the law as it appears in Section one thousand eighty-seven-a12 (1087-a12) of the Supplement to the Code, 1907, be, and the

same is hereby amended by striking out of said section all after the period following the word "nomination" at the end of the seventh line of said section and inserting in lieu thereof the following: "such lists shall also designate the order in which the names of all candidates for the office of Senator in the Congress of the United States and for offices to be filled by the voters of the entire state shall be arranged and printed upon the primary election ballots in each county, in the following manner, to-wit: The Secretary of State shall arrange the sur-names of such candidates for the respective offices alphabetically for the county in the State coming first in alphabetical order; thereafter, for each succeeding county, in alphabetical order, the names appearing first for the respective offices in the last preceding county shall be placed last, so that the names that occupied second position before the change shall be first after the change; provided, however, if it shall appear from the foregoing arrangement that the name of a candidate for any office shall occupy first position in counties in which the aggregate vote cast for the candidate of his party for Governor at the last preceding general election materially exceeded such vote in the counties in which any of the other candidates of the same party for the same office shall occupy first position, then, in any case, the Secretary of State shall alter the foregoing arrangement of names of such candidates sufficiently so that their names shall occupy first position in counties whose aggregate vote for the candidate of their party for Governor at the last preceding general election is as near equal as practicable.

Such auditor shall forthwith publish a proclamation of the time of holding the primary election, the hours during which the polls will be open, the offices for which candidates are to be nominated and that the primary election will be held in the regular polling places in each precinct. Such notice shall be published once each week for two consecutive weeks before the primary election, in not to exceed two newspapers of general circulation in such county. One of such newspapers shall represent the political party which cast the largest vote in such county at the last preceding general election, and the other, if any, that shall represent the political party which cast the next largest vote in such county at such general election. The county auditor shall correct any errors or omissions in names of candidates and any other errors brought to his knowledge before the printing of the ballots."

SEC. 6. That the law as it appears in Section one thousand eighty-seven-a13 (1087-a13) of the Supplement to the Code, 1907, be, and the same is hereby repealed and the following enacted as a substitute therefor:

"The names of the candidates of each political party for nomination for the several offices, and for party committeemen and blank spaces for the delegates to the county convention shall be printed in black ink on separate sheets of paper, uniform in color, quality, texture and size with the name of the political party printed at the head of said ballots, which ballots shall be prepared by the county auditor in the same manner as for the general election, except as in this chapter otherwise provided. The names of candidates for the office of Senator in the Congress of the

United States and for offices to be filled by the voters of the entire State shall be arranged and printed on the primary election ballots in the order in which they are certified by the Secretary of State. The names of candidates for offices to be filled by the voters of a county, and by the voters of any district of the State composed of more than one county, shall be arranged and printed upon the primary election ballots in the following manner, to-wit: The county auditor shall prepare a list of the election precincts of his county, by arranging the various townships, towns and cities in the county in alphabetical order and the wards or precincts of each city, town or township in numerical order under the name of such city, town or township. He shall then arrange the sur-names of all candidates for such offices alphabetically for the respective offices for the first precinct in the list; thereafter, for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be the first after the change. The names of candidates for all offices to be filled by the voters of a territory smaller than a county shall be arranged and printed alphabetically according to the sur-names for the respective offices."

SEC. 7. That Section one thousand eighty-seven-a14 (1087-a14) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking from said section the dotted line and square before it at the end of said section, and inserting in lieu thereof the following:

John Doe

Richard Roe

.....

The county auditor shall not print on the official ballot of a political party the title of any office for which nomination papers for a candidate therefor have not been filed, but this prohibition shall not extend to township offices nor to party committeemen."

SEC. 8. That the law as it appears in Section one thousand eighty-seven-a15 (1087-a15) of the Supplement to the Code, 1907, be, and the same is hereby repealed and the following enacted as a substitute therefor:

"After the printing of the official ballots, the county auditor shall change a sufficient number thereof to supply each voting precinct in the county with ten sample ballots of each political party. The auditor shall change the same by writing or stamping the words, "Sample Ballot" in red ink near the top of each of such ballots, and by signing his name or stamping a fac simile thereof and his title of office immediately thereunder. Such sample ballots shall not be voted, received or counted in any primary election. The county auditor shall distribute such sample ballots with the official ballots, and it shall be the duty of the judges of election to see that such sample ballots are posted in and about the polling places upon the day of the primary election and before the opening of the polls."

SEC. 9. That the law as it appears in Section one thousand eighty-seven-a18 (1087-a18) of the Supplement to the Code, 1907, be, and the

same is hereby repealed and the following enacted as a substitute therefor:

"Any candidate whose name appears upon the official primary ballot of any voting precinct may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, at the time fixed for canvassing the returns of the judges of election, by filing with the county auditor not later than the day before such meeting, a showing, in writing, duly sworn to by such candidate, that fraud was committed, or error or mistake made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate. The showing must be specified and from it there must appear reasonable ground to believe that a recount of the ballots would produce a result as to his candidacy different from the returns made by the judges. If such showing is made to the satisfaction of the board, it shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board shall be final and no other contest of any kind shall be permitted. The term "candidate" as used in this section shall include and apply to persons voted for for delegates and party committeemen."

SEC. 10. That the law as it appears in Section one thousand eighty-seven-a19 (1087-a19) of the Supplement to the Code, 1907, be, and the same is hereby amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-sixth line of said section the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all the votes cast by such party or such office."

SEC. 11. That the law as it appears in Section one thousand eighty-seven-a21 (1087-a21) of the Supplement to the Code, 1907, be, and the same is hereby amended by adding after the period at the end of said section the following:

"The published proceedings of the board of supervisors as a canvassing board shall contain only a brief statement of the names of the candidates nominated by the electors of any county or sub-division thereof under the title of the office for which they are nominated, and a statement of the title of the county offices, if any, for which no nomination was made by any political party participating in the primary election for the failure of any one of its candidates for any office to receive thirty-five per centum of all the votes cast by the party for such office."

SEC. 12. That the law as it appears in Section one thousand eighty-seven-a22 (1087-a22) of the Supplement to the Code, 1907, be, and the same is hereby amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-fourth line of said section, the following:

"By reason of the failure of any candidates for any such office to receive thirty-five per centum of all votes cast by such party for such office" and by adding after the period at the end of said section the following:

"The candidate of any party for the office of Senator in the Congress of the United States having received the highest number of votes of his party in the State, shall be the nominee of his party for such office and the Secretary of State shall certify the result of said primary election as to such office to the next convening General Assembly."

SEC. 13. That the law as it appears in Section one thousand eighty-seven-a24 (1087-a24) of the Supplement to the Code, 1907, be and the same is hereby amended by striking from said Section all after the period following the word "be" in the fourth line of said Section down to and including the word "occurs" in the eighth line and inserting in lieu thereof of the following:

"Vacancies occurring in nominations made in the primary election before the holding of the county, district or state convention, shall be filled by the county convention if the office in which the vacancy in nomination occurs is to be filled by the voters of the county; by a district convention if the office in which the vacancy in nomination occurs is to be filled by the voters of a district composed of more than one county; by the state convention if the office in which the vacancy occurs is to be filled by the voters of the entire state. Vacancies in nominations in such offices occurring after the holding of a county, district or state convention, or on failure of any such convention to fill a vacancy in a nomination, as aforesaid, then it shall be filled by the party committee for the county, district or state, as the case may be. If a vacancy shall occur in any such office too late for the filing of nomination papers for candidates therefor in the primary election and before a holding of a county, district or state convention, as the case may be, then the convention having jurisdiction shall make nomination for such office; and if a vacancy in any such office shall occur after the holding of a county, district or state convention, then nomination for each office may be made by the party committee for the county, district or state, as the case may be. Vacancies in nomination for offices to be filled by the voters of a territory smaller than a county shall be filled by the members of the party committee for the county from such subdivision. Nominations made as above provided and as provided in Sections one thousand eighty-seven-a-25 (1087-a-25), one thousand eighty-seven-a-26 (1087-a-26) and one thousand eighty-seven-a-27 (1087-a-27) of the Supplement to the Code, 1907, shall be certified forthwith to the proper officer by the chairman and secretary of the convention or committee as the case may be, and if received in time shall be printed upon the official ballots the same as if the nomination had been made in the primary election. Such certificate of nomination shall state the name, place of residence and postoffice address of the person nominated, the office to which he is nominated and the name of the political party making the nomination."

SEC. 14. That the law as it appears in Section one thousand eighty-seven-a-25 (1087-a-25) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the word "third" in the fifth line of said Section and inserting in lieu thereof the word "fourth"; and by inserting after the period following the word "convention" and before the word "one" in the nineteenth line of said section the following:

"The term of office of such delegates shall begin on the day following the final canvass of the votes by the board of supervisors, and shall continue for two years and until their successors are elected"; and by inserting a period after the word "elected" in the twentieth line of said Section; and by striking from said Section all after said period to the word "his" in the twenty-first line; and by inserting after the period following the word "position" and before the word "returns" in the twenty-seventh line of said section the following:

"The county central committee elected in the primary election shall organize on the day of the convention, immediately following the same. Vacancies in such committee may be filled by a majority vote of the committee"; and by striking out the words "such returns are filed" following the word "after" and before the word "notify" in the thirty-second line, and inserting in lieu thereof the words: "the final count and canvass of the votes and returns by the board of supervisors"; and by changing the period following the word "election" in the forty-second line of said Section to a comma and inserting after said comma and before the word "if" in the same line, the following:

"By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by inserting after the comma following the word "election" and before the word "as" in the forty-seventh line of said section the following:

"By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following:

"But in no case shall the county convention make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the superior and district courts;" and by inserting after the word "thereof" and before the word "thus" in line thirty-seven the following: "or when delegates representing a majority of the precincts."

SEC. 15. That the law as it appears in Section one thousand eighty-seven-a26 (1087-a26) of the Supplement to the Code, 1907, be, and the same is hereby amended, by inserting after the comma following the word "states" and the word "as" in the twenty-second line of said section, the following:

"By reason of the failure of any candidate for any office to receive thirty-five per centum of all votes cast by his party therefor;" and by inserting after the word "election" in the thirty-first line of said section a comma and immediately following said comma and before the word "as" in the same line, the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following:

"But in no case shall any such convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the district court."

SEC. 16. That the law as it appears in Section one thousand eighty-seven-a27 (1087-a27) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out the words, "third Thursday" at

the end of the third line of said section, and inserting in lieu thereof the words "first Wednesday," and by striking out the words and language, "Thursday following primary election," following the word "fifth" in the fourth line of said section, and inserting in lieu thereof the following: "Wednesday following the county convention," and by inserting a comma after the word "election" in the sixteenth line of said section and inserting after said comma and before the word "as" in the same line, the following:

"By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at end thereof, the following:

"But in no case shall the state convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the supreme court."

Sec. 17. That the law as it appears in Section one thousand eighty-seven-a23 (1087-a23) is hereby amended by inserting after the word "convention" in line ten and before the comma following it the words, "or party committee."

Amend by striking out the title and substituting therefor the following:

A Bill for an Act to Amend the Law as it Appears in Sections One Thousand Eighty-seven-a-1 (1087-a-1), One Thousand Eighty-seven-a-5 (1087-a-5), One Thousand Eighty-seven-a-6 (1087-a-6), One Thousand Eighty-seven-a-10 (1087-a-10), One Thousand Eighty-seven-a-12 (1087-a-12), One Thousand Eighty-seven-a-14 (1087-a-14), One Thousand Eighty-seven-a-19 (1087-a-19), One Thousand Eighty-seven-a-21 (1087-a-21), One Thousand Eighty-seven-a-22 (1087-a-22), One Thousand Eighty-seven-a-23 (1087-a-23), One Thousand Eighty-seven-a-24 (1087-a-24), One Thousand Eighty-seven-a-25 (1087-a-25), One Thousand Eighty-seven-a-26 (1087-a-26), and One Thousand Eighty-seven-a-27 (1087-a-27) of the Supplement to the Code, 1907, and to Repeal the Law as it Appears in Sections One Thousand Eighty-seven-a-13 (1087-a-13), One Thousand Eighty-seven-a-15 (1087-a-15) and One Thousand Eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and to Enact Substitutes Therefor, all Relating to the Holding of Primary Elections by Political Parties.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

None.

The nays were:

Senators Allen of Pocahontas, Balkema, Bruce, Burgess, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Nichols, Parshall,

Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—33.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Brown, Chapman, Cosson, De Armand, De Wolf, McCulloch, McManus, Mattes, Maytag, Moon, Sammis, Stuckslager, Taylor—16.

So the House amendments having received a constitutional majority, it was declared that the Senate refuses to concur.

On motion of Senator Whipple, House File No. 219, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-four (184) of the Laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Whipple moved the adoption of the following amendment:

Amend by striking out the word "corporated" in the seventh line of Section One (1) and inserting in lieu thereof the word "corporate."

Adopted.

The bill was read for information.

Senator Whipple moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Clark, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larabee, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senator Allen of Van Buren, Chapman, Clarkson, Cosson, De Armand, Mattes, Maytag, Quigley, Sammis, Saunders, Stuckslager, Taylor—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Hunter, House File No. 263, a bill for an act to repeal Section Number Sixteen Hundred Ninety-nine (1699) of the Code, relating to the investment of their funds by insurance companies other than life, organized under Chapter Four (4) of Title IX of the Code, and to enact a substitute therefor, was taken up and considered.

The substitute offered by Senator Hunter was read first and second time.

Senator Hunter moved that the substitute be substituted for the original bill.

Carried.

The substitute was read for information.

Senator Hunter moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

Senator Hunter moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Clark, Clarkson, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Chapman, Cosson, De Armand, Dowell, Larrabee, Mattes, Maytag, Ream, Saunders, Stuckslager, Taylor—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 427, a bill for an act to amend the law as it appears in Section Three Hundred Fifty-eight (358) of the Code, relating to qualification of sureties on certain official bonds, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Dowell moved the adoption of the following amendment:

Amend Section 1 by striking therefrom all after the colon in line 4 thereof to and including the word "deputies" in line 6 thereof and inserting in lieu thereof the following: "Attorneys at law shall not be accepted as sureties upon any official bonds provided for in this section."

Adopted.

The bill as amended was read for information.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting—36.

The nays were:

Senators Brown, McCulloch, White—3.

Absent or not voting:

Senators Allen of Van Buren, Chapman, Cosson, Larrabee, Mattes, Sammis, Seeley, Stuckslager, Taylor, Wilson—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 419, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts, and providing for the expenditure thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate File No. 419, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Nich-

ols, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Brown, Cosson, Mattes, Maytag, Ream, Seeley, Stuckslager, Taylor—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 420, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal School and providing for the expenditure thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Whipple, Senate File No. 420, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-six (186) of the Laws of the Thirty-first General Assembly relating to the levy of a millage tax for the State Normal School and providing for the expenditure thereof, was taken up and considered.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Ham-mill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stucks-lager, Van Law, Whipple, White, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Brown, Cosson, Mattes, Parshall, Seeley, Taylor—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 417, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa, and providing for expenditure thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate File No. 417, a bill for an act to amend Section One (1) of Chapter One Hundred and Eighty-three (183) of the laws of the Thirty-first General Assembly relating to the levy of a millage tax for the State University of Iowa and providing for expenditures thereof, was taken up and considered.

Senator Maytag, moved that the rules be suspended, 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 ayes were:

Senators, Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Cosson, De Wolf, Mattes, Saunders, Seeley, Smith of Mitchell, Taylor—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Sammis, Special Order No. 2, Joint Resolution No. 4, providing for the appointment of a joint committee to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the State, and providing for the report of said committee to the next General Assembly, and for the payment of expenses of such investigation and defining the powers of the committee, with report of committee recommending indefinite postponement was taken up and considered.

Senator Sammis moved the adoption of the report of the committee.

The motion was lost.

Senator Sammis offered the following amendment and moved its adoption:

I move to amend by striking out the words and figures three (3) in the second and third lines of Section 1, and to insert in lieu thereof the words and figures two (2), and by striking out the figures 1200 in the last line of Section 3 and inserting in lieu thereof the figures "1000."

Adopted.

Senator Sammis moved that the rules be suspended, the Joint Resolution be considered engrossed, and read a third time now, which motion prevailed, and the Joint Resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Adams, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hoyt, Hunter, McCulloch, Maytag, Parshall, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Whipple, White—28.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Hammill, Larrabee, Nichols, Peterson, Proudfoot, Ream, Smith of Mitchell, Wilson—12.

Absent or not voting:

Senators Bennett, Cosson, Francis, McManus, Mattes, Moon, Stuckslager, Taylor, Whiting—9.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Balkema, Special Order No. 3, House File No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) of the Code, and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) of the Code, and to enact a substitute therefor, relating to officers' bonds, was taken up and considered.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section Three by striking out of the seventh line the words "and mayors."

The amendment was lost.

President pro tem Smith was called to the Chair at 10:35 o'clock.

Senator Balkema moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting, Wilson—39.

The nays were:

Senators Adams, Brown, McCulloch, White—4.

Absent or not voting:

Senators Allen of Van Buren, Chapman, Cosson, Mattes, Maytag, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 388, a bill for an act providing a method of nominating candidates for certain offices in cities of the first and second class, and those acting under special charters, and repealing Section Ten Hundred Eighty-seven-a-thirty-four (1087-a-34) of the Supplement to the Code of 1907, was taken up and considered.

The motion to reconsider the vote by which the bill failed of passage prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, Whiting, Wilson—33.

The nays were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Bruce, Chapman, McCulloch, Proudfoot, Savage, White—10.

Absent or not voting:

Senators Cosson, McManus, Mattes, Moon, Stuckslager, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Van Law, Senate File No. 414, a bill for an act to amend Section Seven Hundred Ninety-two (792) of the Code, relating to street improvements and special assessments therefor, was taken up and considered.

Senator Van Law offered the following substitute for the bill:

SUBSTITUTE FOR SENATE FILE NO. 414.

A Bill for an Act Authorizing Street Improvements in incorporated Towns Having a Population in Excess of One Thousand and Providing for the Levy of Special Assessments Therefor. (Additional to Title Five (V), Chapter Seven (7) of the Code as Amended.)

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That incorporated towns, having a population in excess of one thousand (1,000), shall have and exercise the powers conferred by Chapter seven (7), Title Five (V) of the Code, for the construction of street improvements authorized in Section seven hundred ninety-two (792) of the Code, whenever such street improvement shall have been petitioned for by the owners of not less than seventy-five per centum of the linear front feet of the property abutting on that part of any street, highway, avenue or alley so to be improved; and levy special assessments therefor, as authorized by said chapter as amended.

SEC. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

The substitute was read first and second time.

Senator Van Law moved that the substitute be substituted for the original bill.

Carried.

Senator Van Law moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

Senator Van Law moved that the rules be suspended 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Clark, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Peterson, Proudfoot, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting—31.

The nays were:

Senators Clarkson, Maytag, Nichols, Quigley—4.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Chapman, Cosson, McCulloch, McManus, Mattes, Parshall, Saunders, Savage, Taylor, White, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 263, a bill for an act to make appropriations for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That Section 2 be amended by striking out in the third line the words and figures "two hundred and eighty-one 08-100 dollars (\$281.08)" and insert in lieu thereof the words and figures "one hundred thirty-one and 08-100 (\$131.08) dollars."

Also that Section 4 be amended by striking out in the third line the words and figures "two hundred and fifty dollars (\$250) and inserting in

lieu thereof the words and figures one hundred (\$100) dollars"; and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 161, a bill for an act to amend Chapter one hundred twenty (120) of the laws of the Twenty-sixth General Assembly (26th G. A.) by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000.00) to aid therein, and providing for a guard over said dam at certain periods, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That the title be amended by striking out in the sixth and seventh lines the words, "and providing for a guard over said dam at certain periods";

That Section 4 be stricken out, and when so amended the bill do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 153, a bill for an act to establish a laboratory for the manufacture of hog cholera serum at, or near, Des Moines, under the supervision of the State Veterinary Surgeon, and make an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 332, a bill for an act to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines under the supervision of the State Veterinary Surgeon, and to make an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

The President resumed the Chair at 11:25 o'clock.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 530, a bill for an act making an appropriation to defray the mileage expense, general expenses and witness fees of the investigating committee for the hospitals for insane, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 531, a bill for an act making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirty-third General Assembly to visit the several state educational institutions, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House Joint Resolution No. 7, a bill for an act for the appointment of a joint committee to purchase a chair and gavel for the Speaker of the House and the President of the Senate, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also :

MR. PRESIDENT—Your committee on Appropriations, to whom was referred House File No. 97, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the Hospital for the Insane at Independence, Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 319, a bill for an act authorizing Boards of Supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.

Also:

Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions.

Also:

Senate File No. 384, a bill for an act to amend the law as it appears in Section seven hundred forty-one-f (741-f), chapter four, title five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 319, a bill for an act authorizing Boards of Supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.

Also:

Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized

police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions.

Also:

Senate File No. 384, a bill for an act to amend the law as it appears in Section seven hundred forty-one-f (741-f), chapter four, title five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

Also:

House File No. 301, a bill for an act to amend Section four hundred and fifty-eight-c (458-c) of the Supplement to the Code, 1907, relative to injuries of domestic animals by dogs and wolves.

Also:

House File No. 321, a bill for an act to amend the law as it appears in Section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a-31) of the Supplement to the Code, 1907, relating to food standards.

Also:

House File No. 417, a bill for an act to repeal Section one thousand nine hundred eighty-nine-a-forty-two (1989-a-42) of the Supplement to the Code, 1907, relative to the duties of the county auditor; and to the employment of additional help for county auditors in levee or drainage districts; and to the drainage record, and the enactment of a substitute therefor.

Also:

House File No. 433, a bill for an act to amend Section two thousand twenty-eight as it appears in the Supplement to the Code, 1907, relating to ways to lands which have no other means of access.

Also:

House File No. 29, a bill for an act to amend Section five hundred and ninety-one (591) of the Code relating to the compensation of township clerks.

Also:

House File No. 121, a bill for an act to amend Section one thousand five hundred and seventy (1570) of the Supplement to the Code, 1907,

providing for the time when osage orange, willow, and other hedge fences shall be trimmed.

Also:

House File No. 175, a bill for an act to amend Section one thousand three hundred and three (1303) of the Supplement to the Code, 1907, relating to levying of taxes by board of supervisors, and creating a court expense fund.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State.

Also:

Senate File No. 177, a bill for an act requiring persons, partnerships or corporations owning or operating street car systems to provide transparent shields for the platforms of certain street cars and providing a penalty for the violation of the requirements hereof.

Also:

Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

Also:

Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren County, State of Iowa.

Also:

Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

Also:

Senate File No. 401, a bill for an act to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.

Also:

Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members.

HENRY L. ADAMS,
Chairman.

Adopted.**REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.**

Senator Adams, 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. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State.

Also:

Senate File No. 177, a bill for an act requiring persons, partnerships or corporations owning or operating street car systems to provide transparent shields for the platforms of certain street cars and providing a penalty for the violation of the requirements hereof.

Also:

Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

Also:

Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren County, State of Iowa.

Also:

Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work

and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

Also:

Senate File No. 401, a bill for an act to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.

Also:

Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 137, a bill for an act to amend the law as it appears in Section one thousand four hundred and sixty-seven (1467) of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemptions.

Also:

Senate File No. 233, a bill for an act to amend the law as it appears in Sections eight hundred Fifty-c (850-c), eight hundred fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners.

Also:

Senate File No. 269, a bill for an act amending the law as it appears in Section sixteen hundred fifty (1650) of the Code, relating to the reincorporation of the cemetery associations.

Also:

Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firmen and the widows and minor

children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

Also:

Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the County of Pocahontas and State of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

Also:

Senate File No. 329, a bill for an act to amend Section thirteen hundred twelve (1312) of the Code relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 137, a bill for an act to amend the law as it appears in Section one thousand four hundred and sixty-seven (1467) of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemptions.

Also:

Senate File No. 233, a bill for an act to amend the law as it appears in Sections eight hundred Fifty-c (850-c), eight hundred fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners.

Also:

Senate File No. 269, a bill for an act amending the law as it appears in Section sixteen hundred fifty (1650) of the Code, relating to the reincorporation of the cemetery associations.

Also:

Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

Also:

Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the County of Pocahontas and State of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

Also:

Senate File No. 329, a bill for an act to amend Section thirteen hundred twelve (1312) of the Code relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 54, a bill for an act to repeal Section Twenty-one Hundred and Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor, was taken up and considered.

Senator Saunders moved that the motion to reconsider the vote by which the bill failed to pass the Senate be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Burgess, Foley, Maytag, Proudfoot, Quigley, Sammis, Saunders, Savage, Whipple—9.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Chapman, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, Peterson, Ream, Seeley, Smith of Mitchell, Van Law, White, Whiting—25.

Absent or not voting:

Senators Bennett, Cosson, De Armand, Francis, Gilliland, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Smith of Des Moines, Stuckslager, Taylor, Wilson—15.

So the motion was lost.

Senator Allen of Pocahontas moved that Senate File No. 38 be made a Special Order for 2:00 o'clock, P. M., today.

Carried.

On motion of Senator Ream, Senate File No. 389, a bill for an act to prescribe the method of constructing and operating gypsum mines and to provide for the inspection of the same, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

Senator Ream moved that the substitute be substituted for the original bill.

Carried.

Senator Clarkson moved the adoption of the following amendments.

I move to amend the bill by striking out all of Section One after the figure 1 and inserting in lieu thereof the following: That Section Two Thousand Four Hundred Seventy-nine-a, Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof: "The Executive Council shall appoint a board of seven examiners consisting of two practical miners, two mine operators, all holding certificates of competency as mine foremen, one practical gypsum miner, one gypsum operator, and one mining engineer, each of whom shall have had at least five years actual experience in his profession immediately preceding his appointment, who shall hold office for a term of two years. The members of said board shall qualify by taking oath to perform the duties devolving upon them fairly, faithfully, and impartially, without fear or favor, uninfluenced by personal or political considerations. No member of said board shall be interested in or con-

needed with any school, scheme, plan or device having for its object the preparation, education or instruction of persons in the knowledge required of applicants for certificates of competency. Any member of said board shall be summarily removed from office by the Executive Council, upon due notice and hearing, for violation of the law, misfeasance or malfeasance in the performance of his duties, or for other sufficient cause, and his successor shall thereupon be appointed by the said Executive Council for the unexpired term."

Amend Section 3 of the bill by striking out the word "one" as it appears after the word "Section" in lines two, three, and six, and inserting in lieu thereof the word "two."

Adopted.

Senator Larrabee offered the following amendment and moved its adoption:

I move to amend by striking out the words as found in the amendment adopted and printed in the Journal of April 5th, beginning in the seventh line of said amendment, "seven examiners consisting of two practical miners, two mine operators, all holding certificates of competency as mine foremen, one practical gypsum miner, one gypsum operator," and inserting in lieu thereof, "five examiners, consisting of one practical miner, one mine operator, all holding certificates of competency as mine foreman one practical gypsum miner, one gypsum operator."

Adopted.

Senator Savage moved that the Senate do now adjourn.

Senator Chapman moved as a substitute that the time for adjournment be extended fifteen minutes.

The substitute motion carried.

The motion as amended carried.

Senator Ream moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, De Wolf, Dowell, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Stuckslager, Van Law, Whiting—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Cosson, De Armand, Fitchpatrick, Frudden, McManus, Mattes, Maytag, Nichols, Parshall, Quigley, Smith of Des Moines, Smith of Mitchell, Taylor, Whipple, White, Wilson—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

Concurrent Resolution relative to the preparing for shipment of books and papers belonging to the members of the Thirty-third General Assembly.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House refused to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 495, a bill for an act to amend Sections 1989-a-2, a-4, a-5, a-6, a-7, a-8, a-10, a-12, a-13, a-14, a-16, a-19, a-21, a-22, a-27, a-29, a-32, a-35, a-44 and to repeal Sections 1989-a-3, a-11, a-19 Supplement to the Code, 1907, all relating to waters and water courses, levees and drains.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to House File No. 182, a bill for an act authorizing the extension of the traveling library and providing additional funds therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 198, a bill for an act to amend Sections 2530 and 2536 of the Supplement to the Code, 1907, relating to State Veterinary Surgeon.

C. R. BENEDICT,
Chief Clerk.

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. 367, a bill for an act defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any persons, firm or corporation and providing a remedy in behalf of the husband.

C. R. BENEDICT,
Chief Clerk.

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. 261, a bill for an act to amend Section 5718-a-18 of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 348, a bill for an act to repeal Section 69 of the Code, and to amend Section 5718-a-14 of the Supplement to the Code, 1907; also amend Section 293, 475 and 5641 of the Code, relating to criminal reports and statistics.

C. R. BENEDICT,
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. 76, a bill for an act to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture of intoxicating liquors from

owning or leasing any building or fixture to be used for the purpose of selling intoxicating liquors at retail.

C. R. BENEDICT,
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. 158, a bill for an act amending Section 1310 of the Code, relating to taxation of shares of stock in corporations taxed in another state and amending Section 1323 of the Code relating to taxation of domestic corporations.

C. R. BENEDICT,
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. 191, a bill for an act appropriating the sum of \$209.12 for the relief of N. W. Williams on account of work done for the State for which he has not been paid.

C. R. BENEDICT,
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. 305, a bill for an act to grant and relinquish to the city of Dubuque the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi river, and directing the Governor and Secretary of State to issue a patent therefor.

C. R. BENEDICT,
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. 413, a bill for an act amending Sections 150 and 151 of the Code, relating to the duties of the custodian of Public Buildings and Property.

C. R. BENEDICT,
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. 305, a bill for an act to amend Section 298 of the Supplement to the Code, 1907, relating to the compensation of clerks of the district court and their deputies.

C. R. BENEDICT,
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. 405, a bill for an act to amend Sections 2575-a-30 and 2575-a-31 of the Supplement to the Code relative to the qualifications of nurses and enacting a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

The President announced that he had signed, in the presence of the Senate, House Files Nos. 291, 296, 290, 201, 185, 31, 301, 321, 417, 433, 29, 175, 121, House Joint Resolution No. 2, and Senate Files Nos. 342, 271, 137, 233, 269, 329, 177, 267, 296, 371, 401, 369, 31, 384, 319, 382.

Senator Saunders moved that the request of the House for the return to the House of Senate File No. 328, be granted.

Carried.

HOUSE MESSAGES CONSIDERED.

House Concurrent Resolution: Resolved by the House, the Senate concurring, that all books and supplies upon the members' desks, at the close of the session be turned over to the custodian of Public Buildings, and that he is hereby directed to place the same in a suitable condition for shipping.

Resolved further, That the two men appointed by the Thirty-third General Assembly as assistants in the Secretary of State office, be authorized to assist the custodian in doing such work.

Passed on file.

House File No. 495, a bill for an act to amend Sections 1989-a-2, a-4, a-5, a-6, a-7, a-8, a-10, a-12, a-13, a-14, a-16, a-19, a-21, a-22, a-27, a-29, a-32, a-35, a-44, and to repeal Section 1989-a-3, a-11, a-19, Supplement to the Code, 1907, relating to waters and water courses, levees and drains.

Passed on file.

House File No. 182, a bill for an act authorizing the extension of the Traveling Library and other activities of the Iowa Library Commission, and providing additional funds therefor.

Passed on file.

House File No. 198, a bill for an act to amend Sections Two Thousand Five Hundred Thirty (2530) and Two Thousand Five Hundred Thirty-six (2536) of the Supplement to the Code, relating to State Veterinary surgeon.

Passed on file.

Senate File No. 367, a bill for an act defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any person, firm or corporation, and providing a remedy in behalf of the husband.

Passed on file.

Senate File No. 261, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles; also to amend Section Five Thousand Six Hundred Twenty-six (5626) of the Code, relating to pardons and the revision of fines and forfeitures.

Passed on file.

Senate File No. 348, a bill for an act to repeal Section Sixty-nine (69) of the Code, and to enact a substitute therefor, providing for a report by the Board of Parole; also to amend Section Two Hundred and Ninety-three (293) of the Code, relating to the report of criminal statistics to the Secretary of State; also amending Section Four Hundred Seventy-five (475) of the Code, relating to the report of county auditors; also amending Section Five Thousand Six Hundred and Forty-one (5641) of the Code, relating to the duties of the sheriff.

Passed on file.

Substitute for Senate File No. 76, a bill for an act to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors at retail.

Passed on file.

Senate File No. 158, a bill for an act amending Section Thirteen Hundred and Ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another state or territory.

Passed on file.

Senate File No. 191, a bill for an act appropriating the sum of Two Hundred Nine Dollars and Twelve Cents (\$209.12) for the relief of N. W. Williams on account of work done for the state, for which he has not been paid.

Passed on file.

Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi river, being land of the character described in Section One (1), of Chapter Two Hundred and Twelve (212) of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in Sections Twenty-five (25) and Thirty-six (36), Township Eighty-nine (89) North, Range Two (2) east of the fifth principal meridian and authorizing and directing the Governor and the Secretary of State to issue a patent therefor.

Passed on file.

Senate File No. 413, a bill for an act amending Sections 150 and 151, of the Code, relating to the duties of the Custodian of Public Buildings and Property.

Passed on file.

House File No. 305, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-eight (298) of the Supplement to the Code, 1907, relating to compensation of Clerks of the District Court and their deputies.

Read first and second time and referred to Committee on Compensation of Public Officers.

House File No. 405, a bill for an act to amend Section Twenty-five Hundred and Seventy-five-a-thirty (2575-a-30) and Twenty-five Hundred and Seventy-five-a-thirty-one (2575-a-31) of the Supplement of the Code, and to repeal Section Twenty-five Hundred

and Seventy-five-a-twenty-nine (2575-a-29) of the Supplement to the Code, relative to the qualifications of nurses, and enacting a substitute therefor.

Read first and second time and referred to Committee on Public Health.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 137, a bill for an act to amend the law as it appears in Section one thousand four hundred and sixty-seven (1467) of the Supplement to the Code, 1907, relating to collateral inheritance tax and exemptions.

Also:

Senate File No. 233, a bill for an act to amend the law as it appears in Sections eight hundred Fifty-c (850-c), eight hundred fifty-e (850-e), and Eight Hundred Fifty-f (850-f) of the Supplement to the Code, 1907, relating to parks and park commissioners.

Also:

Senate File No. 269, a bill for an act amending the law as it appears in Section sixteen hundred fifty (1650) of the Code, relating to the reincorporation of the cemetery associations.

Also:

Senate File No. 271, a bill for an act authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

Also:

Senate File No. 329, a bill for an act to amend Section thirteen hundred twelve (1312) of the Code relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity.

Also:

Senate File No. 342, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town

council of said incorporated town, in the County of Pocahontas and State of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

Also:

Senate File No. 31, a bill for an act requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the Secretary of State.

Also:

Senate File No. 177, a bill for an act requiring persons, partnerships or corporations owning or operating street car systems to provide transparent shields for the platforms of certain street cars and providing a penalty for the violation of the requirements hereof.

Also:

Senate File No. 267, a bill for an act to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

Also:

Senate File No. 296, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren County, State of Iowa.

Also:

Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.

Also:

Senate File No. 369, a bill for an act in regard to admission to the Soldiers' Home and payment for support by members.

Also:

Senate File No. 401, a bill for an act to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.

Also:

Senate File No. 319, a bill for an act authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.

Also:

Senate File No. 382, a bill for an act authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.

Also:

Senate File No. 384, a bill for an act to amend the law as it appears in Section seven hundred forty-one-f (741-f), chapter four, title five, of the Supplement to the Code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock, P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

REPORTS OF COMMITTEE.

Senator Dowell, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 424, a bill for an act legalizing the acts and proceedings of the City Council of the City of Oelwein, Iowa, in erecting and construct-

ing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 292, a bill for an act to repeal Section two thousand nine hundred forty-two-j (2942-j) of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by exeutors, administrators and guardians in this and foreign states and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 469, a bill for an act to repeal Section one thousand nine hundred Eighty-nine-a-41 (1989-a-41) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the fees and expenses in levee and drainage districts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 513, a bill for an act to amend Section thirteen hundred twenty-six (1326) Title seven (7) Chapter one (1) of the Code of Iowa, relating to stock of Building and Loan associations, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 111, a bill for an act to amend Section three thousand

five hundred five (3505), three thousand five hundred seven (3507), three thousand five hundred eleven (3511), of the Code, and Section four thousand four hundred eighty-one (4481) of the Code, as amended, all relating to the place of trial of actions, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title to the bill by inserting the words "supplement to the" in the fourth line of said title after the word "the" and before the word "Code," and by inserting the figures "1907" and a comma thereafter after the word "Code" in said fourth line, and by striking out the words "as amended" as they appear in the fourth line thereof.

Amend Section 4 by inserting after the word "the" and before the word "Code" in the second line thereof, the words "supplement to the" and by inserting the figures "1907" and a comma thereafter after the word "Code" in said second line, and by striking out the words "as amended" as they appear in the second line thereof, and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 117, a bill for an act to amend Sections thirteen hundred twelve (1312) and fourteen hundred four (1404) of the Code relating to the listing of and lien on personal property for taxes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 418, a bill for an act providing for the removal of appointive State officials, members of boards, members of commissions, commissioners and persons appointed by the same; prohibiting political influence and contributions by them and providing a penalty therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by inserting after the word "Examiners" in the second line thereof, the words "appointed by the Governor."

Amend Section 1 by inserting after the word "Commission" and before the word "may" in the sixth line thereof the words "appointed by the Governor."

Amend the bill by striking out Sections 2 and 3, and when so amended the bill do pass.

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 425, a bill for an act to legalize the acts of the Board of

Directors of the school township of Garfield, in the county of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL.

Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 386, a bill for an act defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate same, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the following substitute.

SUBSTITUTE FOR SENATE FILE NO. 386.

A Bill for an Act to Define Gift Enterprises and to Provide a Penalty for Carrying on the Same.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. All gift enterprises, as hereinafter defined, and all trade practices carried on in connection therewith are hereby prohibited and declared to be unlawful.

SEC. 2. Whenever two or more persons enter into any contract arrangement or scheme, whereby for the purpose of inducing the public to purchase merchandise or other property of one of the parties to said scheme, any other party thereto, for a valuable consideration and as a part of such scheme, advertise and induces an attempt to induce the public to believe that he will give gifts, premiums or prizes to persons purchasing such merchandise or other property of such party to said scheme and that stamps or tickets will be given by the seller in connection with such sales entitling the purchaser of such property to receive such prizes or gifts from any other party to such scheme, the parties so undertaking and carrying out such scheme shall be deemed to be engaged in a "gift enterprise," unless the articles or things so promised to be given as gifts or premiums with or on account of such purchases, shall be definitely described on such stamp or ticket and the character and value of such promised prize or gift fully made known to the purchaser of such merchandise or other property at the time of the sale thereof, and unless the rights of the holder of such stamp or ticket to the gift or premium so promised becomes absolute upon the completion upon the delivery thereof without the holder being required to collect any specified number of other similar stamps or tickets and to present them for redemption together, and the right of the holder of such stamp or ticket to the prize or gift so offered is absolute, and does not depend on any chance uncertainty or contingency whatever.

SEC. 3. Any person who engages in a gift enterprise such as is defined in this act or who advertises the same in any manner or who in

furtherance of such scheme, as an inducement to purchasers, issues in connection with the sale of any merchandise or other property any such ticket or stamp purporting to be redeemable in some indefinite article not described thereon, only when presented with a collection of other stamps or tickets of like kind by some other party to such scheme, and which unless presented in the manner aforesaid is not redeemable at all shall each and all be guilty of a misdemeanor.

SEC. 4. The word "person" as used in this act may in proper cases in order to make the intent and meaning of the law effective be construed to mean firm or corporation and when so amended the bill do pass.

C. C. DOWELL,
Chairman.

Substitute was read first and second time and passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 415, a bill for an act to repeal Section five hundred ninety-nine (599) and Section six hundred (600) of the Code, relating to the incorporation of towns, and enacting substitutes therefor relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relation thereto, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 440, a bill for an act to amend Section two hundred sixty (260) of the Code relative to Superior Courts, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 406, a bill for an act to amend Section twenty-eight hundred twenty-three-a (2823-a) Supplement to the Code, 1907, relating to the duties of parents or guardians, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
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 the law as it appears in Section five thousand two hundred eighty-nine (5289) of the Code, by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments be waived if not made before swearing the jury on the trial of the case, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 523, a bill for an act to amend Chapter nine (9) Title twenty-five (25) of the Code of Iowa, to regulate the issuance of warrants upon requisitions from the Governors of other states and territories, to regulate the practice in Habeas Corpus cases relating to the extradition of fugitives from Justice and to repeal Sections 5171, 5173, 5174, 5175, 5176, 5177, and 5178 of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. C. DOWELL,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation engaged in the business of lumber dealing, or owning or operating lumber yards, from combining or entering into any agreement, contract, trust, or pool to fix the prices at which lumber is to be sold, to prevent the free action of competition in the buying of lumber, or the selling of lumber, and to provide punishment for the violation of this act, beg leave to report they have had the same under consideration and recommend the same do pass.

C. C. DOWELL,
Chairman.

Ordered passed on file.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 377, a bill for an act to amend the law as it appears in Section twenty-five hundred five (2505) of the Supplement to the Code,

1907, relating to the inspection of petroleum products, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 288, a bill for an act relating to the powers of the State Board of Health, and empowering it to establish a standard for sanitary plumbing, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred Senate File No. 289, a bill for an act to provide for examination and license of plumbers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 213, a bill for an act prohibiting certain classes of advertisements, and providing a penalty for violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Peterson, House File No. 495, a bill for an act to amend Sections Nineteen Hundred Eighty-nine-a-two (1989-a-2), Nineteen Hundred Eighty-nine-a-four (1989-a-4), Nineteen Hundred Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-six (1989-a-6), Nineteen Hundred Eighty-nine-a-

seven (1989-a-7), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-ten (1989-a-10), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12), Nineteen Hundred Eighty-nine-a-thirteen (1989-a-13), Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), Nineteen Hundred Eighty-nine-a-sixteen (1989-a-16), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Nineteen Hundred Eighty-nine-a-twenty-one (1989-a-21), Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Nineteen Hundred Eighty-nine-a-twenty-seven (1989-a-27), Nineteen Hundred Eighty-nine-a-twenty-nine (1989-a-29), Nineteen Hundred Eighty-nine-a-thirty-two (1989-a-32), Nineteen Hundred Eighty-nine-a-thirty-five (1989-a-35), Nineteen Hundred Eighty-nine-a-forty-four (1989-a-44), and to repeal Section Nineteen Hundred Eighty-nine-a-three (1989-a-3), Nineteen Hundred Eighty-nine-a-eleven (1989-a-11), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-courses, levees and drains, was taken up and considered.

Senator Peterson moved that the Senate insist on its amendments to the bill and ask for a Conference Committee.

Carried.

The President announced as such Conference Committee on part of Senate: Senators Peterson, Francis, Hammill and Smith of Des Moines.

Senator Clark asked unanimous consent to withdraw Senate File No. 173 from the Committee on Public Health.

Consent granted.

Senator Clark asked unanimous consent to withdraw Senate File No. 173 from further consideration by the Senate.

Consent granted.

Senator Clark asked unanimous consent to withdraw Senate File No. 408 from the Committee on Appropriations.

Consent granted.

Senator Clark asked unanimous consent to withdraw Senate File No. 408 from further consideration of the Senate.

Consent granted.

President pro tem Smith was called to the Chair at 2:40 o'clock, P. M.

On motion of Senator Maytag, House Joint Resolution No. 7, for the appointment of a joint committee to purchase a chair and gavel for the Speaker of the House and President of the Senate, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The Joint Resolution was read for information.

Senator Maytag moved that the rules be suspended, the Joint Resolution be considered engrossed, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Hammill, Larrabee, McCulloch, Maytag, Nichols, Peterson, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, White, Whiting, Wilson—28.

The nays were:

Senators Gilliland, Ream—2.

Absent or not voting:

Senators Adams, Balkema, Bennett, Bruce, Cosson, Gates, Hoyt, Hunter, McManus, Mattes, Moon, Parshall, Proudfoot, Quigley, Saunders, Savage, Stuckslager, Taylor, Whipple—19.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, House File No. 530, a bill for an act making an appropriation to defray the mileage expense, general expenses and witness fees of the Investigating Committee for the hospital for the insane, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Foley, Francis, Frudden, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, White, Whiting—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Bennett, Bruce, Cosson, Fitchpatrick, Gates, Hammill, McManus, Mattes, Moon, Parshall, Ream, Seeley, Taylor, Whipple, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, House File No. 531, a bill for an act making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirty-third General Assembly to visit the several state educational institutions, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Cosson, De Wolf, Gates, McManus, Mattes, Moon, Parshall, Seeley, Taylor, Whipple—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President pro tem announced as committee on the part of the Senate on House Joint Resolution No. 7: Senators Maytag, Larrabee and Clarkson.

The President resumed the Chair at 2:10 o'clock, P. M.

On motion of Senator Maytag, Senate File No. 263, a bill for an act to make an appropriation for the payment of the expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make appropriation therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved the adoption of the following amendments:

That Section Two be amended by striking out in the third line the words and figures "two hundred and eighty-one dollars and eight one-hundredth dollars (\$281.08)" and insert in lieu thereof the words and figures "one hundred thirty-one and eight one-hundredth dollars (\$131.08)."

Also that Section 4 be amended by striking out in the third line the words and figures "two hundred and fifty dollars (\$250)" and inserting in lieu thereof the words and figures "one hundred (100) dollars."

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick,

Foley, Francis, Frudden, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, Brown, Bruce, Cosson, Gates, Gilliland, McManus, Mattes, Nichols, Ream, Seeley, Smith of Des Moines, Taylor—14.

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 Adams, 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. 233, a bill for an act to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa.

Also:

House File No. 234, a bill for an act to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa.

Also:

House File No. 265, a bill for an act to repeal Section fifteen hundred thirty (1530) of the Supplement to the Code, 1907, and enacting a substitute therefor, relating to the county road fund and county drainage fund and providing for the collection and distribution of the same.

Also:

House File No. 314, a bill for an act to amend Sections eight hundred forty-nine-a (849-a), eight hundred forty-nine-b (849-b), eight hundred forty-nine-c (849-c), eight hundred forty-nine-e (849-e), eight hundred forty-nine-f (849-f), eight hundred forty-nine-g (849-g) and eight hundred forty-nine-h (849-h) of the Supplement to the Code, 1907, relating to the protection of city and town property from floods.

Also:

House File No. 393, a bill for an act to amend Section four hundred four (404) of the Code relating to the sale or exchange of bonds and refunding of the same.

Also: .

House File No. 490, a bill for an act to legalize the incorporation of the town of Knierim, Calhoun County, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

Also:

House File No. 482, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury County, Iowa.

Also:

House File No. 229, a bill for an act relating to fish and game, and making appropriation for the fish and game commission of the State of Iowa.

Also:

House File No. 126, a bill for an act providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof.

Also:

House File No. 230, a bill for an act to amend Section two thousand two hundred and forty-seven (2247) of the Code in relation to the levy of a poor tax.

Also:

House File No. 273, a bill for an act to amend chapter one hundred twelve (112) of the Acts of the Thirtieth General Assembly and provide for the collection of certificates of deposit, promissory notes, and other demands owned by deceased inmates of state institutions and to provide for the sale of the personal effects of such deceased inmates, and the disposition of the money so received.

Also:

House File No. 349, a bill for an act to create the Iowa state drainage, water-ways and conservation commission, and defining the powers and duties of the same.

Also:

House File No. 373, a bill for an act to amend Section three hundred thirty-seven (337) of the Supplement to the Code, 1907, relating to the selection of jury lists.

Also:

House File No. 414, a bill for an act relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in Section three thousand two hundred sixty-j (3260-j) of the Supplement to the Code, 1907.

Also:

House File No. 424, a bill for an act to amend Section two thousand eight hundred twenty-three-a (2823-a) of the Supplement to the Code, 1907, relating to the attendance at the public schools.

Also:

House File No. 428, a bill for an act to amend the law as it appears in Section four hundred twelve (412) Supplement to the Code, 1907, relative to the meeting of the board of supervisors.

Also:

House File No. 436, a bill for an act relating to the renewal of teachers' certificates.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Senator Saunders asked unanimous consent to call up the resolution offered by him on March 27th, relative to the appointment of a Sifting Committee.

Consent granted.

Senator Gillilland offered the following substitute amendment:

I offer the following as a substitute for the original resolution and amendment:

Resolved, That the President of the Senate shall appoint a Sifting Committee of seven members, to which shall be referred all bills, hereafter introduced in the Senate or reported from the House and that none of the bills so referred to the Sifting Committee shall be considered unless favorably reported by said committee.

Senator Adams moved that the resolution, the substitute amendment, and the amendment be laid on the table.

The motion was lost.

Senator Clarkson moved that further consideration of the Resolution be deferred until 1:30 o'clock, P. M., tomorrow.

Carried.

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 indefinitely postponed the following bill, in which the concurrence of the House was asked:

Senate File No. 256, a bill for an act to amend Section 1570 of the Supplement to the Code, 1907, and to provide for the growing of posts.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 162, a bill for an act relating to officers bond.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 12, a bill for an act to define an absentee and provide for the care and management of the estate of such absentee.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 455, a bill for an act to amend Section 2823-e of the Supplement to the Code, relating to probation officers.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 219, a bill for an act to repeal Section 565, of the Code, and to enact a substitute therefor, with regard to election of township assessors.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 427, a bill for an act to amend Section 358 of the Code, relating to qualifications of sureties on certain official bonds.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House recedes from its amendments to the following bill in which the concurrence of the Senate was asked:

Substitute for Senate File No. 105, a bill for an act relating to unfair discriminations.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to the following bill in which the concurrence of the Senate was asked:

Senate File No. 113, a bill for an act to amend the law as it appears in Sections ten hundred eighty-seven-a-1 (1087-a-1), ten hundred eighty-seven-a-5 (1087-a-5), ten hundred eighty-seven-a-6 (1087-a-6), ten hundred eighty-seven-a-12 (1087-a-12), ten hundred eighty-seven-a-21 (1087-a-21), ten hundred eighty-seven-a-22 (1087-a-22), ten hundred eighty-seven-a-25 (1087-a-25), ten hundred eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections ten hundred eighty-seven-a-13 (1087-a-13), ten hundred eighty-seven-a-15, (1087-a-15) and ten hundred eighty-seven-a-18 (1087-a-18) of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties; and asks for a conference committee and the Speaker appoints as such committee on part of the House Representatives Lee, Darrah, Ripley and McDonald.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House appoints as conference committee on House File No. 495, a bill for an act relating to waters, water courses, levees and ditches, Representatives Stillman, Davidson, Jacobs and Kellogg.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following Concurrent Resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution relative to the publishing of the report of the Capitol Commission.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns without further action the following bill the recall of which was granted by the Senate:

House File No. 524, a bill for an act appropriating money to defray the expenses of the several contests from various representative districts of Iowa.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Maytag, House File No. 153, a bill for an act to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines under the supervision of the State Veterinary Surgeon and making an appropriation therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Brown, Burgess, Foley, Frudden, Gates, Hoyt, McManus, Mattes, Stuckslager, Taylor—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 161, a bill for an act to amend Chapter One Hundred and Twenty (120) of the Laws of the Twenty-sixth General Assembly (26th G. A.) by making it the duty of Dickinson County, to maintain the dam in said act provided for, and granting and appropriating of one thousand dollars (\$1,000) to aid therein, and providing for a guard over said dam at certain periods, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved the adoption of the following amendments:

That the title be amended by striking out in the sixth and seventh lines the words, "and providing for a guard over said dam at certain periods."

Also that Section 4 be stricken out.

Adopted.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Ham-mill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Peter-son, Proudfoot, Quigley, Sammis, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Dowell, Gates, McManus, Mattes, Nichols, Parshall, Ream, Saunders, Seeley, Stuckslager, Taylor, Whiting—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator De Armand, Senate File No. 426:

A Bill for an Act to Amend the Law as it Appears in Section Twenty-four Hundred Ninety-three (2493) of the Supplement to the Code, 1907, Relating to the Sale of Poisons.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section twenty-five hundred ninety-three (2593) of the Supplement to the Code, 1907, be amended by striking from line nine thereof the words "denatured alcohol."

SEC. 2. Denatured alcohol shall not be deemed to be a poison within the meaning of the statutes relating to the sale or handling of poisons.

SEC. 3. That all statutes or parts thereof in conflict herewith are hereby repealed.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, without expense to the State of Iowa.

Referred to Committee on Pharmacy.

THIRD READING OF BILLS.

On motion of Senator Moon, Senate File No. 378, a bill for an act defining the offense and providing a punishment for the purchasing of intoxicating liquors, or the inducing of the purchase of the same by persons to whom the sale of such liquors is forbidden by law, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Moon moved the adoption of the following amendment.

Amend by striking out all of Section One.

Adopted.

The bill was read for information.

Senator Moon moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Frudden, Gates, Gilliland, McManus, Mattes, Nichols, Parshall, Saunders, Seeley, Smith of Des Moines, Taylor—12.

Senator Moon offered the following amendment to the title of the bill and moved its adoption:

I move to amend the title by striking therefrom the following words as they appear in the second line "the purchasing of intoxicating liquors, or" and by striking out the words "the same" as they appear in the third line and inserting in lieu thereof the words "intoxicating liquors."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 427:

A Bill for an Act to Amend the Law as it Appears in Section Seven Hundred and Ninety-one-i (791-i) of the Supplement to the Code, 1907, Relating to Special Assessments for Sidewalk and Street Improvements in Cities and Towns.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section seven hundred and ninety-one-i (791-i) of the Supplement to the Code, 1907, be, and that same is hereby amended by inserting after the word "place" in the third line of said section, the following: "Or where said right of way intersects and crosses any street, highway, avenue or alley" and by inserting after

the word "sidewalks" in the fourth line of said section the words "street crossings."

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Referred to Committee on Cities and Towns.

REPORT OF COMMITTEE.

Senator Allen of Pocahontas, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools to whom was referred House File No. 494, a bill for act to amend Section 2823-p of the Supplement to the Code, 1907, relating to furnishing a list of books suitable for the use in school libraries, beg leave to report they have had the same under consideration and recommend the same do pass.

J. H. ALLEN,
Chairman.

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 348, a bill for an act to repeal paragraph Five (5) of Section Thirty-six Hundred Eighty-eight (3688) of the Code and to enact a substitute therefor, relating to challenges for cause, was taken up and considered.

Senator Allen of Pocahontas moved that the Senate concur in the following House amendments:

Amend by striking out the title and inserting in lieu thereof the following:

"A bill for an act to repeal Section Sixty-nine (69) of the Code, and to amend the law as it appears in Sections Five Thousand Seven Hundred Eighteen-a-fourteen (5718-a-14) of the Supplement to the Code, 1907, also to amend Sections Two Hundred Ninety-three (293), Four Hundred Seventy-five (475) and Five Thousand Six Hundred Forty-one (5641) of the Code, relating to criminal reports and statistics.

Also amend by striking out Section One and inserting in lieu thereof the following:

“Section 1. That Section Five Thousand Seven Hundred Eighteen-a-fourteen (5718-a-14) of the Supplement to the Code, 1907, be amended by inserting after the period following the word resolution in the twenty-sixth line the following:

“They shall, prior to the beginning of each regular session of the General Assembly, make a report to the Governor, including a summary of paroles granted and releases recommended, the names of all prisoners who have violated their paroles and such other information concerning its operation under the law as may be deemed to be of public interest, also, an abstract for each year of the criminal returns received from the clerks of the district court, embracing all of the important facts contained in such returns.”

Also amend by inserting the following as Section Five and by renumbering Section Five as Section 6.

“Section 5. That Section Sixty-nine (69) of the Code be and the same is hereby repealed.”

On the question, “Shall the Senate concur in the House amendments?

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Francis, Gates, McManus, Mattes, Nichols, Parshall, Seeley, Taylor, White, Whiting, Wilson—13.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Whipple, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance to whom was referred Senate File No. 291, a bill for an act to require surety companies to publish their rates and to prevent discrimination, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. P. WHIPPLE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

HOUSE MESSAGES CONSIDERED.

Senate File No. 256, a bill for an act to amend Section Fifteen Hundred and Seventy (1570) of the Supplement of the Code, 1907, and to provide for the growing of posts.

House File No. 162, a bill for an act to repeal Section One Thousand One Hundred Eighty-five (1185) of the Code, and to enact a substitute therefor; to repeal Section One Thousand One Hundred Eighty-eight (1188) and to enact a substitute therefor; to repeal Section One Thousand One Hundred Ninety-six (1196) and to enact a substitute therefor, relating to officers' bonds.

Passed on file.

House File No. 12, a bill for an act to define an absentee and to provide for the care and management of the estate of such absentee, and for the distribution of his or her estate by an administrator or executor.

Passed on file.

House File No. 455, a bill for an act to amend Section Two Thousand, Eight Hundred Twenty-three-e (2823-e) of the Supplement to the Code, 1907, relating to the probation officers.

Passed on file.

House File No. 219, a bill for an act to repeal the law as it appears in Section Five Hundred Sixty-five (565) of the Code, and enact a substitute therefor, with regard to election of township assessors in certain townships therefor.

Passed on file.

House File No. 427, a bill for an act to amend the law as it appears in Section Three Hundred Fifty-eight (358) of the Code, relating to qualification of sureties on certain official bonds.

Passed on file.

Substitute for Senate File No. 105, a bill for an act to amend the law as it appears in Section Five Thousand and Twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities.

Passed on file.

Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

Passed on file.

The President announced as Conference Committee on part of Senate on Senate File No. 113: Senators Francis, Cosson, Moon and Peterson.

House File No. 495, a bill for an act relating to waters, water-courses, levees and ditches.

Passed on file.

Senate Concurrent Resolution, relative to the publishing of the report of the Capitol Commission.

Passed on file.

House File No. 524, a bill for an act appropriating money to defray the expenses of the several contests from various representative districts of Iowa.

Passed on file.

Senator Clarkson filed the following motions:

I move to reconsider the vote by which Senate File No. 389 passed the Senate.

JOHN T. CLARKSON.

C. C. DOWELL.

I move to reconsider the vote by which the rules were suspended and Senate File No. 369 passed to its third reading.

JOHN T. CLARKSON.

C. C. DOWELL.

The Journal of yesterday was taken up, corrected and approved.

Senator Saunders moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 7, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. W. G. Thorn of Keosauqua, Iowa.

PETITIONS AND MEMORIALS.

Senator Sammis presented petition from citizens of Ida Grove, Iowa, favoring the passage of the Commerce Counsel Bill.

Referred to Committee on Railroads.

Senator Allen of Van Buren presented remonstrance from residents of Van Buren County against the passage of Senate File No. 90 known as the Sunday Observance Law.

Referred to Committee on Judiciary.

REPORT OF COMMITTEE.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health to whom was referred House File No. 351, a bill for an act to amend Section twenty-five hundred eighty-two (2582) of the Supplement to the Code, relative to the practice of medicine and providing for the issuance of temporary permits, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK.
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 544, a bill for an act legalizing the acts and proceedings of the City Council of the City of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

C. R. BENEDICT,
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. 451, a bill for an act to amend Section four thousand two hundred ninety-nine (4299) of the Code, relating to the declaration of forfeiture of contracts, and the service of notice relating thereto, and to amend Section four thousand three hundred (4300) of the Code, relating to the recording of notice of forfeiture of contracts.

C. R. BENEDICT,
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. 543, a bill for an act to amend House File No. 261 of the acts of the Thirty-third General Assembly relating to the issuance of bonds by the city of New Hampton, Iowa.

C. R. BENEDICT,
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. 527, a bill for an act to repeal Section five hundred ninety-nine (599) and Section six hundred (600) of the Code, relating to the incorporation of towns, and enacting substitutes therefor relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relation thereto.

C. R. BENEDICT,
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. 508, a bill for an act to amend the law as it appears in Section ten hundred fifty-six-a-thirty-six, Chapter fourteen-c, Title five of the Supplement to the Code, 1907, relating to the government of certain cities, and the recalling of elective officers therein.

C. R. BENEDICT,
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. 520, a bill for an act to amend Section forty-seven hundred and sixty-seven (4767) of the Code, relating to the punishment of persons convicted of making malicious threats with intent to extort money or to compel a person to do some act against his will.

C. R. BENEDICT,
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. 516, a bill for an act to amend Section thirty-one hundred forty-seven (3147) of Code, 1897, relating to return of marriage certificates.

C. R. BENEDICT,
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. 360, a bill for an act to amend paragraph two (2) Section thirteen hundred and four (1304) of the Supplement to the Code, 1907, relating to exemption from taxation of charitable and benevolent institutions.

C. R. BENEDICT,
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. 537, a bill for an act repealing Section one hundred sixty-two (162) of the Code and one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn

by the Auditor of State upon the State treasury and requiring a biennial report of State expenses for the several State offices, boards, commissions and institutions to be made by the Executive Council.

C. R. BENEDICT,
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. 359, a bill for an act repealing Section two thousand nine hundred-a-twenty-five (2900-a-25) of the Code Supplement, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

C. R. BENEDICT,
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. 185, a bill for an act to amend Section two thousand five hundred and eighty-nine-b (2589-b) of the Code Supplement, 1907, relative to the requirements of applicants for registration as pharmacists.

C. R. BENEDICT,
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. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason.

C. R. BENEDICT,
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. 307, a bill for an act to amend Section four thousand one hundred thirty-nine (4139) of the Code, relating to practice in the Supreme Court.

C. R. BENEDICT,
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. 306, a bill for an act to amend the law as it appears in Section four thousand one hundred fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal.

C. R. BENEDICT,
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. 206, a bill for an act to amend the law as it appears in Title V, Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and conferring additional power upon such cities.

C. R. BENEDICT,
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. 51, a bill for an act to amend Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, relating to compensation of short-hand reporters.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 338, a bill for an act to amend the law as it appears in Section ten hundred sixty (1060) of the Supplement to the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 403, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 402, a bill for an act making appropriations, for the construction, repair, improvement and contingent funds for the State hospitals, penitentiaries, industrial schools, sanatorium for treatment of tuberculosis, institution for the feeble minded, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans home.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 383, a bill for an act to amend the law as it appears in Section nineteen hundred and eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 265, a bill for an act relating to the building of county bridges.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 108, a bill for an act to amend the law as it appears in Section eleven hundred and six (1106) of the Supplement to the Code, 1907, relating to election ballots.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has indefinitely postponed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution No. 3, relating to the appointment of a commission to investigate the natural resources and water-ways of the State.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution relative to establishing a National Park in Iowa.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution memorializing the Iowa delegation in Congress to provide for the improvement of post roads in the State of Iowa.

C. R. BENEDICT,
Chief Clerk.

REPORTS OF COMMITTEES.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 405, a bill for an act to amend Section twenty-five hundred and seventy-five-a-thirty-one (2575-a-31) of the Supplement to the Code, and to repeal Section twenty-five hundred and seventy-five-a-twenty-nine (2575-a-29) of the Supplement to the Code, relative to the qualifications of nurses and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

E. W. CLARK,
Chairman.

Ordered passed on file.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your committee on Railroads to whom was referred Senate File No. 239, a bill for an act amending Chapter one hundred and eleven (111) of the Acts of the Thirty-first General Assembly, relating to joint freight rates over two or more connecting lines of railway between points within the State, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Railroads to whom was referred House File No. 4, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same, beg leave to

report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred House File No. 408, a bill for an act to prevent disease among bees and to provide for inspection thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. E. BRUCE,
Chairman.

Ordered passed on file.

Senator Peterson, from the Conference Committee on part of the Senate on Senate File No. 281, submitted the following report:

MR. PRESIDENT—Your conference committee to whom was referred Senate File No. 281, to consider the disagreement arising over the House amendment to said bill which amendment was in words and figures following to-wit: Amend by adding to Section one the following: "That the word "fifteen" is hereby stricken out of the thirteenth line of said section and the word "twenty-five" inserted in lieu of the word stricken out," beg leave to report that they have had the same under advisement and have agreed upon the following amendment to said bill as a substitute for House amendment under disagreement, to-wit: Amend Section one of the bill by adding thereto the following: "That the word "fifteen" in line thirteen of said section be stricken out and the word "twenty" inserted in lieu thereof." And we respectfully recommend the adoption of said amendment as a substitute for the House amendment in disagreement.

C. F. PETERSON,
SHIRLEY GILLILLAND,
J. A. WHITE,
E. W. CLARK,

Committee on the part of the Senate.

GEO. E. GRIER,
EDWARD McDONALD,
A. C. RIPLEY,
R. M. FINLAYSON,

Committee on the part of the House.

Passed on file.

HOUSE MESSAGES CONSIDERED.

House File No. 544, a bill for an act legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting

and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

Read first and second time and referred to Committee on Judiciary.

House File No. 451, a bill for an act to amend Section Four Thousand Two Hundred Ninety-nine (4299) of the Code, relating to the declaration of forfeiture of contracts, and the service of notice relating thereto, and to amend Section Four Thousand Three Hundred (4300) of the Code, relating to the recording of notice of forfeiture of contracts.

Read first and second time and referred to Committee on Judiciary.

House File No. 543, a bill for an act to amend House File No. 261 of the acts of the Thirty-third General Assembly, relating to the issuance of bonds by the city of New Hampton, Iowa.

Read first and second time and referred to Committee on Judiciary.

House File No. 527, a bill for an act to repeal Section Five Hundred Ninety-nine (599) and Section Six Hundred (600) of the Code, relating to the incorporation of towns, and enacting substitutes therefor, relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relation thereto.

Read first and second time and referred to Committee on Cities and Towns.

House File No. 508, a bill for an act to amend the law as it appears in Section Ten Hundred Fifty-six-a-thirty-six, Chapter Fourteen-c, Title Five of the Supplement to the Code, 1907, relating to the government of certain cities, and the recalling of elective officers therein.

Read first and second time and referred to Committee on Cities and Towns.

House File No. 520, a bill for an act to amend Section Forty-seven Hundred and Sixty-seven (4767) of the Code, relating to the punishment of persons convicted of making malicious threats with intent to extort money or to compel a person to do some act against his will.

Read first and second time and referred to Committee on Judiciary.

House File No. 516, a bill for an act to amend Section Thirty-one Hundred Forty-seven (3147) of Code, 1897, relating to return of marriage certificates.

Read first and second time and referred to Committee on Judiciary.

House File No. 360, a bill for an act to amend Paragraph Two (2) Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, relating to exemption from taxation of charitable and benevolent institutions.

Read first and second time and referred to Committee on Public Health.

House File No. 537, a bill for an act repealing Sections One Hundred Sixty-two (162) of the Code and One Hundred Sixty-three-a (163-a) and One Hundred Sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State Treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the Executive Council.

Read first and second time and referred to Committee on Judiciary.

Senate File No. 359, a bill for an act repealing Section Two Thousand Nine Hundred-a-twenty-five (2900-a-25) of the Code Supplement, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

Passed on file.

Senate File No. 185, a bill for an act to amend Section Two Thousand Five Hundred and Eighty-nine-b (2589-b) of the Code Supplement, 1907, relative to the requirements of applicants for registration as pharmacists.

Passed on file.

Senate File No. 224, a bill for an act to amend Section Eleven Hundred Ninety-five (1195) of the Code, relating to officers holding over for any reason.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks, and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also:

Senate File No. 76, a bill for an act to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors, from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors at retail.

Also:

Senate File No. 191, a bill for an act appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the State for which he has not been paid.

Also:

Senate File No. 393, a bill for an act to amend the law as it appears in Section four hundred eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of county auditors.

Also:

Senate File No. 413, a bill for an act amending Sections one hundred fifty (150) and one hundred fifty-one (151) of the Code, relating to the duties of the custodian of public buildings and property.

Also:

Senate File No. 158, a bill for an act amending Section thirteen hundred and ten (1310) of the Code, relating to taxation of shares of stock in corporations taxed in another state or territory, and amending Section thirteen hundred and twenty-three (1323) of the Code, relating to taxation of domestic corporations.

Also:

Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi River, being land of the character described in Section one (1) of Chapter two hundred and twelve (212) of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in Sections twenty-five (25) and thirty-six (36), Township eighty-nine (89) North, Range two (2), East of the Fifth Principal Meridian and authorizing and directing the Governor and the Secretary of State to issue a patent therefor.

Also:

Senate File No. 105, a bill for an act to amend the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties for persons found guilty thereof.

HENRY L. ADAMS,
Chairman.

Passed on file.

HOUSE MESSAGES CONSIDERED.

Senate File No. 307, a bill for an act to amend Section Four Thousand One Hundred Thirty-nine (4139) of the Code relating to practice in the supreme court.

Passed on file.

Senate File No. 306, a bill for an act to amend the law as it appears in Section Four Thousand One Hundred Fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal.

Passed on file.

Senate File No. 206, a bill for an act to amend the law as it appears in Chapter Fourteen-c of the Supplement to the Code, 1907, relating to the government of certain cities and conferring additional powers on such cities.

Passed on file.

Senate File No. 51, a bill for an act to amend Section Two Hundred and Fifty-four-a-2 (254-a-2) of the Supplement to the Code, relating to compensation of shorthand reporters.

Passed on file.

Senate File No. 338, a bill for an act to amend the law as it appears in Section Ten Hundred Sixty (1060) of the Supplement to the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

Passed on file.

Senate File No. 403, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

Passed on file.

Senate File No. 402, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State Hospitals, Penitentiaries, Industrial Schools, Sanatorium for Treatment of Tuberculosis, Institution for the Feeble-minded, College for the Blind, School for the Deaf, Iowa Soldiers' Home and Iowa Soldiers' Orphans' Home.

Passed on file.

Senate File No. 383, a bill for an act to amend the law as it appears in Section Nineteen Hundred and Eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds.

Passed on file.

Senate File No. 265, a bill for an act relating to the building of county bridges.

Passed on file.

Senate File No. 108, a bill for an act to amend the law as it appears in Section Eleven Hundred and Six (1106) of the Supplement to the Code, 1907, relating to election ballots.

Passed on file.

Senate Joint Resolution No. 3, a bill for an act relative to the appointment of a commission to investigate the natural resources and water-ways of the state, and defining the duties of such commission, and making an appropriation therefor.

Passed on file.

House Concurrent Resolution:

CONCURRENT RESOLUTION.

A Concurrent Resolution Memorializing the Iowa Delegation in Congress to Use Their Efforts to Secure an Act Providing for the Acquisition of Certain Lands at the Confluence of the Wisconsin and Mississippi Rivers for the Use as a National Park and to Secure an Appropriation Therefor.

WHEREAS, The preservation of the means of health and happiness which through selfishness or thoughtlessness are so likely to be destroyed are of great importance to the American people, and,

WHEREAS, The present and future happiness and welfare of our country demands that we have permanent public pleasure grounds and parks which are accessible by many and kept as near as possible in their natural state, and,

WHEREAS, We are awakening to the fact that in order to retain for ourselves and our posterity any of the natural conditions of our rivers, lakes, hills and bluffs with their growth of vegetation and native groves, it is necessary that those tracts be taken in charge by the government before the natural beauty has been destroyed by human greed and,

WHEREAS, The Father of Waters flows through a valley of untold resources and wealth, which is destined, as time passes, to become the home of unnumbered millions, whose health and happiness demands that they have public play grounds and parks, and,

WHEREAS, The hills and bluffs, rising hundreds of feet above the river, with numerous springs and brooklets of pure water, the flats and islands at the confluence of the Wisconsin and Mississippi rivers are most desirable and suitable for a public park, and,

WHEREAS, Said place is historical, as well as picturesque, still showing the mounds and trails of the Red Men as they were left by him, and the rock ribbed hills as made by the elements through the ages, with native forests but slightly touched by human hand, and,

WHEREAS, The said lands on either side of the Mississippi, as well as the numerous islands in the river, can be purchased at a reasonable price, therefore be it

Resolved, By the House, the Senate Concurring, That we hereby memorialize our Senators and Representatives in Congress to use their efforts to secure the enactment of a law providing for the acquisition of said territory to be used as a national park, and to secure an adequate

appropriation therefor and that copies of this resolution be forwarded to each member of the Iowa delegation in Congress.

Passed on file.

HOUSE CONCURRENT RESOLUTION.

A Concurrent Resolution Memorializing the Iowa Delegation in Congress to Provide for the Improvement of the Post Roads in the State of Iowa, and to Secure an Appropriation Therefor.

WHEREAS, In the early history of the State Congress provided for the construction of main lines of railroad by the donation of great tracts of public lands and immediate development and prosperity of the State evidenced the wisdom of such legislative action, and

WHEREAS, The roads over which rural delivery routes are established are the important connecting links between the farm and the main transportation lines, therefore,

Be it Resolved by the House, the Senate Concurring:

That we hereby memorialize our Senators and Representatives in Congress to use their efforts to procure the enactment of a law for the improvement of the post roads in the State of Iowa under the supervision of the Agricultural Department of the United States and to secure an adequate appropriation therefor, and that copies of this resolution be forwarded to each member of the Iowa delegation in Congress.

Passed on file.

REPORTS OF COMMITTEE.

Senator Stuckslager, from the Committee on Banks and Banking, submitted the following report:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 484, a bill for an act relating to the operation and regulation of State and Savings Banks authorizing the Auditor of State to require a change of correspondence; to verify and reconcile the accounts and pass books of the depositors, and to provide for annual meetings, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 467, a bill for an act to amend the law as it ap-

pears in Section one hundred eleven (111) of the Code, relating to banks as depositories, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 90, a bill for an act to repeal Section 1322 of the Supplement to the Code, 1907, relating to the taxation of National, State and Savings Banks, and Loan and Trust Companies, and to enact a substitute, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Banks and Banking, to whom was referred House File No. 485, a bill for an act to repeal Section 1875 of the Supplement to the Code, and to enact a substitute therefor, relating to banks and banking, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,
Chairman.

Ordered passed on file.

Senator Hammill, 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 for the pardon of C. H. Woodward, a life convict now confined at Fort Madison, Iowa, sentenced under life sentence from the district court of Decatur county, Iowa, for murder in the first degree, beg leave to report that they have had the same under consideration and have instructed me to report same back to the Senate with the recommendation that said application for pardon be granted.

JOHN HAMMILL,
Chairman.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 383, a bill for an act to amend the law as it appears in Section Nineteen Hundred

and Eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds, was taken up and considered.

Senator Gilliland moved that the Senate concur in the following House amendment:

Section 2. This act being deemed of immediate importance, shall take effect at once upon its publication in the Des Moines Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

On the question, Shall the Senate concur in the House amendment?

The ayes were:

Senators Adams, Balkema, Bennett, Brown, Burgess, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Des Moines, Whipple, White, Whiting, Wilson
—32.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Bruce Chapman, Cosson, Foley, Francis, McManus, Mattes, Parshall, Sammis, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law
—17.

So the House amendments having received a constitutional majority were declared concurred in.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—Your joint committee on Enrolled Bills respectfully report they have examined, and find correctly enrolled House File No. 12, a bill for an act providing for the guardianship of the estates of absentees. (Additional to Chapter five (5), Title sixteen (XVI) of the Code.)

Also:

House File No. 162, a bill for an act to repeal Section one thousand one hundred eighty-five (1185) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred eighty-eight (1188) of the Code and to enact a substitute therefor; to repeal Section one thousand one hundred ninety-six (1196) of the Code and to enact a substitute therefor, relating to officers' bonds.

Also:

House File No. 182, a bill for an act to amend Sections 2888-e and 2888-h Supplement to the Code, 1907, relating to the library commission, defining the duties of the members thereof, prescribing the salaries of same and to make an appropriation therefor.

Also:

House File No. 198, a bill for an act to amend Sections two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the Supplement to the Code, 1907, relating to State Veterinary Surgeon.

Also:

House File No. 219, a bill for an act to repeal the law as it appears in Section five hundred sixty-five (565) of the Code, and enact a substitute therefor with regard to election of township assessors in certain townships.

Also:

House File No. 427, a bill for an act to amend the law as it appears in Section three hundred fifty-eight (358) of the Code, relating to qualification of sureties on certain official bonds.

Also:

House File No. 450, a bill for an act providing for the enumeration of deaf or blind persons, additional to Chapter one (1), Title seven (7) of the Code.

Also:

House File No. 455, a bill for an act to amend Section two thousand eight hundred twenty-three-e (2823-e) of the Supplement to the Code, 1907, relating to the truant officers.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks, and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also:

Senate File No. 76, a bill for an act to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors, from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors a retail.

Also:

Senate File No. 191, a bill for an act appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the State for which he has not been paid.

Also:

Senate File No. 393, a bill for an act to amend the law as it appears in Section four hundred eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of county auditors.

Also:

Senate File No. 413, a bill for an act amending Sections one hundred fifty (150) and one hundred fifty-one (151) of the Code, relating to the duties of the custodian of public buildings and property.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 164, a bill for an act to amend the law as it appears in Section seventeen hundred and fifty-eight-a (1758-a) and Section seventeen hundred and nine (1709) of the Supplement to the Code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks, and further adding to the list of properties and rights that may be insured; repealing the law as it appears in Section seventeen hundred and ten (1710) of the Supplement to the Code, 1907, and enacting a substitute therefor.

Also:

Senate File No. 76, a bill for an act to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors, from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors at retail.

Also:

Senate File No. 191, a bill for an act appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the State for which he has not been paid.

Also:

Senate File No. 393, a bill for an act to amend the law as it appears in Section four hundred eighty-b (480-b) of the Supplement to the Code, 1907, relating to the duties of county auditors.

Also:

Senate File No. 413, a bill for an act amending Sections one hundred fifty (150) and one hundred fifty-one (151) of the Code, relating to the duties of the custodian of public buildings and property.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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 House File No. 158,

a bill for an act amending Section thirteen hundred and ten (1310) of the Code, relating to taxation of shares of stock in corporations taxed in another state or territory, and amending Section thirteen hundred and twenty-three (1323) of the Code, relating to taxation of domestic corporations.

Also:

Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi River, being land of the character described in Section one (1) of Chapter two hundred and twelve (212) of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in Sections twenty-five (25) and thirty-six (36), Township eighty-nine (89) North, Range two (2), East of the Fifth Principal Meridian and authorizing and directing the Governor and the Secretary of State to issue a patent therefor.

Also:

Senate File No. 105, a bill for an act to amend the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties and the Secretary of State to issue a patent therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 158, a bill for an act amending Section thirteen hundred and ten (1310) of the Code, relating to taxation of shares of stock in corporations taxed in another state or territory, and amending Section thirteen hundred and twenty-three (1323) of the Code, relating to taxation of domestic corporations.

Also:

Senate File No. 305, a bill for an act to grant and relinquish to the city of Dubuque, Iowa, the title of the State of Iowa in or to a portion of the abandoned river bed of the Mississippi River, being land of the character described in Section one (1) of Chapter two hundred and twelve (212) of the Acts of the Thirty-first General Assembly, lying within the limits of said city and in Sections twenty-five (25) and thirty-six (36), Township eighty-nine (89) North, Range two (2), East of the Fifth Principal Meridian and authorizing and directing the Governor and the Secretary of State to issue a patent therefor.

Also :

Senate File No. 105, a bill for an act to amend the law as it appears in Section five thousand twenty-eight-b (5028-b) of the Supplement to the Code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties for persons found guilty thereof.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Adams, House File No. 544, a bill for an act legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city, was taken up and considered.

Senator Adams asked unanimous consent that the bill be withdrawn from the Committee on Judiciary.

Consent granted.

The bill was read for information.

Senator Adams moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

Senator Adams moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frud-den, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCul-

loch, McManus, Maytag, Nichols, Parshall, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Francis, Mattes, Moon, Proudfoot, Seeley, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Adams moved that Senate File No. 424, a bill for an act legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in payment of warrants drawn on the park fund for that purpose by the city clerk of said city, be indefinitely postponed.

Carried.

Senator Smith of Mitchell moved that Senate File No. 412, a bill for an act extending the powers and increasing the duties of the State Board of Education, amendatory to Titles Twelve (XII) and Thirteen (XIII) of the Code and Supplement to the Code, 1907, and additional to an act of the Thirty-third General Assembly creating a State Board of Education, and known as Senate File No. One Hundred Ninety-eight (198), be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

On motion of Senator Foley, House File No. 543, a bill for an act to amend House File No. two hundred sixty-one (261) of the Thirty-third General Assembly, relating to the issuance of bonds by the city of New Hampton, Iowa, was taken up and considered.

Senator Foley asked unanimous consent to have the bill withdrawn from the Committee on Judiciary.

Consent granted.

Senator Foley moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

The bill was read for information.

Senator Foley moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting—39.

The nays were:

None.

Absent or not voting:

Senators Dowell, Larrabee, McManus, Mattes, Maytag, Parshall, Saunders, Seeley, Taylor, Wilson—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 508, a bill for an act to amend the law as it appears in Section Ten Hundred Fifty-six-a-thirty-six, Chapter Fourteen-c, Title Five of the Supplement to the Code, 1907, relating to the government of certain cities, and the recalling of elective officers therein, was taken up and considered.

Senator Dowell asked unanimous consent to have the bill withdrawn from the Committee on Cities and Towns.

Consent granted.

The bill was read for information.

Senator Dowell moved that the rule by which no bill shall be read a second and third time, on the same day be suspended.

Carried.

Senator Dowell moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were :

Senators Adams, Allen of Pocahontas, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Hammill, Hoyt, Larrabee, McCulloch, McManus, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were :

None.

Absent or not voting :

Senators Allen of Van Buren, Balkema, Clarkson, Gilliland, Hunter, Mattes, Nichols, Proudfoot, Sammis, Saunders, Seeley, Stuckslager, Taylor—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Dowell, House File No. 344, a bill for an act to provide for the maintenance of certain cemeteries and to provide a tax for such purpose, with report of committee recommending indefinite postponement, was taken up, considered, and the report of committee adopted.

So the bill was indefinitely postponed.

The President announced that he had signed in the presence of the Senate House Files Nos. 349, 373, 414, 424, 428, 436, 273, 230, 126, 314, 490, 482, 229, 265, 393, 234, 233; Senate Files Nos. 76, 158, 191, 305, 413, 393, 105, 164.

On motion of Senator Peterson, House File No. 513, a bill for an act to amend Section Thirteen Hundred Twenty-six (1326), Title Seven (7) Chapter One (1) of the Code of Iowa, relating

to stock of building and loan associations, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Further consideration of the bill was postponed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 422, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa.

C. R. BENEDICT,
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. 488, a bill for an act to repeal Section two thousand seventy-seven-a (2077-a) of the Supplement to the Code, 1907, relative to the posting of bulletins in passenger Stations, and to enact a substitute therefor.

C. R. BENEDICT,
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. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this State, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

C. R. BENEDICT,
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. 397, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate was asked:

House File No. 379, a bill for an act requiring incorporated cities and towns to publish the acts or proceedings of the board of aldermen and city and town councils.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senator Smith of Mitchell asked unanimous consent to have House File No. 537 withdrawn from the Committee on Judiciary.

Consent granted.

On motion of Senator Smith of Mitchell, House File No. 537, a bill for an act repealing Sections One Hundred Sixty-two (162) of the Code and One Hundred Sixty-three-a (163-a), and One Hundred Sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State treasury and requiring a biennial report of state expenses for the several state officers, boards, commissions and institutions to be made by the executive council, was taken up and considered.

The bill was read for information.

Senator Smith of Mitchell moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

Further consideration of the bill was postponed.

On motion of Senator Whipple, Senate File No. 418, a bill for an act providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same; prohibiting political influence and contributions by them and providing a penalty therefor, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Whipple moved the adoption of the following amendments:

Amend Section 1 by inserting after the word "examiners" in the second line thereof, the words "appointed by the Governor."

Amend Section 1 by inserting after the word "commission" and before the word "may" in the sixth line thereof the words "appointed by the Governor."

Amend the bill by striking out Sections 2 and 3 and renumbering Section 4 as Section 2.

Adopted.

The bill was read for information.

Senator Whipple moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—38.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Burgess, De Armand, Frudden, Quigley, Seeley, Stuckslager, Taylor—11.

Senator Whipple offered the following amendment to the title and moved its adoption:

Amend the title to Senate File No. 418 by substituting a period for the semi-colon after the word, "same" in the third line of the printed bill and by striking out of the title the words "prohibiting political influence and contributions by them and providing a penalty therefor."

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

On motion of Senator Allen of Pocahontas, Senate File No. 38, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same, was taken up and considered.

Senator Saunders raised the point of order that the bill could not be considered by the Senate because it is identical with House File No. 4, a bill which has been indefinitely postponed by the Senate.

The President reserved ruling on the point of order and consideration of the bill was postponed.

On motion of Senator Hammill, House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation, engaged in the business of lumber dealing, or owning or operating lumber yards, from combining or entering into any agreement, contract, trust or pool to fix prices at which lumber is to be sold, or to prevent the free action of competition in the buying of lumber, or the selling of lumber, and to provide punishment for the violation of this act, with report of committee recommending passage, was taken up and considered.

Senator Sammis offered the following substitute:

Substitute for House File No. 383:

- A Bill for an Act to Prohibit any Person, Company, Partnership, Association or Corporation, Engaged in any Business or Owning or Operating and Business, from Combining or Entering into any Agreement, Contract, Trust or Pool to Fix the Prices at Which any Commodity or any Article of Commerce is to be Sold, or to Prevent the Free Action of Competition in the Buying of any Commodity or any Article of Commerce, or the Selling of any Commodity or any Article of Commerce, and to Provide Punishment for the Violation of this Act.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That it shall be unlawful for any person, company, partnership, association or corporation owning or operating any business of buying, selling, handling, consigning or transporting any commodity or any article of commerce, to enter into any agreement, contract or combination with any other dealer, or dealers, partnership, company, corporation or association of dealers, whether within or without the State,

engaged in like business, for the fixing of the price or prices at which any commodity or article of commerce should be sold by different dealers or sellers; or to divide between said dealers the aggregate or net proceeds of the earnings of such dealers and sellers, or any portion thereof; or to form, enter into, maintain, or contribute money or anything of value to any trust, pool, combination or association of persons of whatsoever character or name, which has for any of its objects the prevention of full and free competition among buyers, sellers, or dealers in any commodity or any article of commerce; or to do or permit to be done by his or their authority any act or thing whereby the free action of competition in the buying or selling of any commodity or any article of commerce is restrained or prevented.

Sec. 2. That in case any person, company, partnership, corporation or association, trust, pool or combination of whatsoever name shall do, cause to be done, or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, such person, partnership, company, association, corporation, trust, pool or combination shall be liable to the person, partnership, company, association or corporation injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act.

Sec. 3. That any person, partnership, company, association or corporation subject to the provisions of this act, or any person, trust, combination, pool or association, or any director, officer, lessee, receiver, trustee, employe, clerk, agent or any person acting for or employed by them, who shall violate any of the provisions of Section 1 of this act, or who shall aid and abet in such violation, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined any sum not less than five hundred dollars (\$500) and not exceeding two thousand dollars (\$2,000) or imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court. It shall be the duty of the grand jury to enquire into and ascertain if there exists any pool, trust, combination or violation of any provision in this act, in their respective counties.

Senator Peterson moved that further consideration of the bill be postponed until tomorrow.

Senator Van Law moved as a substitute that the bill be made a Special Order for this afternoon at 2:00 o'clock.

Senator Clarkson moved to amend the substitute by changing the time to 10:00 A. M., tomorrow.

On the amendment to the substitute a roll call was demanded.

Those favoring the amendment to the substitute were:

Senators Bruce, Burgess, Clark, Clarkson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hunter, Larrabee,

Mattes, Maytag, Moon, Parshall, Peterson, Sammis, Saunders, Savage, Smith of Mitchell, White, Whiting—24.

The nays were:

Senators Adams, Brown, Cosson, De Armand, Gilliland, Hammill, Hoyt, McCulloch, Nichols, Proudfoot, Ream, Smith of Des Moines, Van Law, Whipple, Wilson—15.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Chapman, McManus, Quigley, Seeley, Stuckslager, Taylor—10.

So the amendment to the substitute was adopted.

On the substitute motion as amended a roll call was demanded.

Those favoring the substitute motion as amended were:

Senators Bruce, Burgess, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hunter, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, White, Whiting—25.

The nays were:

Senators Adams, Brown, De Armand, Gilliland, Hammill, Hoyt, McCulloch, Nichols, Proudfoot, Ream, Smith of Des Moines, Whipple, Wilson—13.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Chapman, Larrabee, McManus, Seeley, Stuckslager, Taylor, Van Law—11.

So the substitute motion as amended carried.

On the motion as amended a roll call was demanded.

Those favoring the motion as amended were:

Senators Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hunter, Larrabee, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Whiting—26.

The nays were:

Senators Adams, Brown, Gilliland, Hammill, Hoyt, McCulloch, Nichols, Proudfoot, Ream, Smith of Des Moines, Whipple, Wilson—12.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, De Armand, McManus, Seeley, Stuckslager, Taylor, Van Law, White—11.

So the motion as amended prevailed.

On motion of Senator De Wolf, House File No. 207, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor, with report of committee recommending indefinite postponement, was taken up and considered.

Senator De Wolf moved the adoption of the report of the committee.

On the motion, a roll call was demanded.

Those favoring the adoption of the report of the committee were:

Senators Brown, Mattes, Nichols—3.

The nays were:

Senators Adams, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McManus, Nichols, Peterson, Proudfoot, Quigley, Sammis, Smith of Mitchell, White, Whiting, Wilson—29.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Cosson, Dowell, Larrabee, McCulloch, Maytag, Parshall, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple—17.

So the motion to adopt the report of the committee was lost.

Senator Mattes offered the following amendment and moved its adoption:

Amend Section 4 by striking out the word "may" in line one and insert the word "shall."

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Bennett, Brown, Chapman, Francis, Mattes, Maytag, Nichols, Parshall, Quigley, Savage—10.

The nays were:

Senators Adams, Balkema, Bruce, Burgess, Clarkson, De Wolf, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, McManus, Moon, Peterson, Proudfoot, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting, Wilson—25.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Clark, Cosson, De Armand, Dowell, Frudden, Hunter, Larrabee, McCulloch, Ream, Saunders, Taylor, Van Law—14.

So the amendment was lost.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Moon, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Whipple, White, Whiting, Wilson—37.

The nays were:

Senators Mattes, Maytag, Parshall, Quigley—4.

Absent or not voting:

Senators Brown, Clark, Dowell, Nichols, Ream, Smith of Des Moines, Taylor, Van Law—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

INTRODUCTION OF BILLS.

By Senator Gates, Senate File No. 428:

A Bill for an Act to Increase the Support Funds of the State Hospitals in Which Insane Patients are Kept.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the board of control of state institutions may from time to time fix the monthly sum for the board and care of each patient in the Mt. Pleasant State Hospital, Independence State Hospital, Clarinda State Hospital and Cherokee State Hospital, which sum shall not exceed fourteen dollars. Said sum shall be placed to the credit of the hospital entitled thereto upon certificate of the board of control of state institutions, based upon reports of the superintendent, and paid from the State treasury as provided by the law as it appears in Section two thousand seven hundred twenty-seven-a-1 (2727-a-1) to Section two thousand seven hundred twenty-a-51 (2727-a-51) inclusive of the Code Supplement, 1907, and the certificate of the board shall be competent evidence of the amount due for the time therein stated. The amount credited a hospital for any month shall be based on the average number of patients in the hospital for the preceding month.

SEC. 2. The law as it appears in Sections two thousand two hundred ninety-one-b (2291-b), two thousand two hundred ninety-one-c (2291-c) and two thousand two hundred ninety-one-d (2291-d) of Code Supplement 1907 is hereby repealed.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and referred to Committee on Ways and Means.

By Senator Francis, Senate File No. 429:

A Bill for an Act to Amend the Law as it Appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, Relating to Proceedings After Decision Upon Appeal.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the law as it appears in Section nineteen hundred eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, be amended by adding thereto the following:

In any case where decree is or has been entered setting aside the establishment of a drainage district for errors in the proceedings taken, and such decree becomes final, the board of supervisors shall rescind its order establishing the drainage district, assessing benefits, and levying the tax based thereon, and shall also cancel any contract made for construction work or material, and may refund any or all assessments paid in. The board shall fix a new date for hearing, giving notice thereof by publication for two weeks and at the time so fixed, enter its order as to

the establishment of the proposed district, and thereafter proceed as by law provided.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Read first and second time and referred to Committee on Agriculture.

Senator Proudfoot from the Conference Committee on Senate File No. 17 submitted the following report:

REPORT OF CONFERENCE COMMITTEE ON SENATE FILE NO. 17.

To the President of the Senate and Speaker of the House:

The undersigned members of the Conference Committee heretofore appointed on Senate File No. 17, beg leave to report that after considering the matters of difference referred in said bill recommend that the Senate concur in the House amendments thereto.

Respectfully submitted,

A. V. PROUDFOOT,

C. C. DOWELL,

C. G. SAUNDERS,

E. G. MOON,

JOHN T. CLARKSON,

Conference Committee on part of the Senate.

N. J. LEE,

GEO. W. SCHEE,

AUG. A. BALLUFF,

K. J. JOHNSON,

JOHN W. JACOBS,

Conference Committee on part of the House.

Adopted.

On motion of Senator Proudfoot, Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property, was taken up and considered.

Senator Proudfoot moved that the Senate concur in the following House amendments as recommended by the Conference Committee.

Insert after the word "judge" in the next to the last line in Section One the following: "or clerk of the district court in vacation;" also strike out Section 2, publication clause.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were :

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Nichols, Parshall, Proudfoot, Sammis, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were :

None.

Absent or not voting :

Senators Allen of Pocahontas, Allen of Van Buren, Cosson, Dowell, McCulloch, Maytag, Moon, Peterson, Quigley, Ream, Saunders, Stuckslager, Taylor—13.

So the House amendments having received a constitutional majority were declared concurred in by the Senate.

On motion of Senator De Wolf, Senate File No. 165, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor, with report of committee recommending indefinite postponement, was taken up, considered and the report of committee adopted.

So the bill was indefinitely postponed.

On motion of Senator Smith of Mitchell, House File No. 537, a bill for an act repealing Section One Hundred Sixty-three-a (163-a) and One Hundred Sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State Treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the Executive Council, was taken up and considered.

Senator Saunders offered the following amendment and moved its adoption :

I move to amend Section One of the substitute by inserting after the word "therefor" and before the period in the sixteenth line as the same appears in the journal, the following:

“Except that when goods or material are purchased in foreign countries, warrants may be drawn upon the State Treasurer, payable to the bearer for net amount of invoice and current exchange, and the State Treasurer shall furnish such foreign draft payable to order of person, firm or corporation from whom purchase is made.”

Adopted.

Senator Smith of Mitchell moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Chapman, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Burgess, Clark, Dowell, Frudden, Larrabee, Moon, Sammis, Saunders, Stuckslager, Taylor, Whipple—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Smith of Mitchell moved that Senate File No. 423, a bill for an act repealing Section One Hundred Sixty-two (162) of the Code and law as it appears in Sections One Hundred Sixty-three-a (163-a) and One Hundred Sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State Treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions, and institutions to be made by the Executive Council, be indefinitely postponed.

Carried.

The President announced that he had signed in the presence of the Senate, House Files Nos. 455, 450, 427, 219, 198, 182, 162, 12.

On motion of Senator Allen of Pocahontas, Senate File No. 210, a bill for an act relating to the filing of transcripts in appeal from drainage assessments, was taken up and considered.

Senator Allen of Pocahontas moved that the bill be indefinitely postponed.

Carried.

On motion of Senator White, Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district, was taken up and considered.

Senator White moved that the report of the Conference Committee be adopted.

Adopted.

Senator White moved that the Senate adopt and include in the bill the following amendments to the bill as recommended by the Conference Committee:

Amend Section One of the bill by adding thereto the following: "That the word 'fifteen' in line thirteen of said section be stricken out and the word 'twenty' inserted in lieu thereof."

On the question, "Shall the Senate adopt and include in the bill the amendments as recommended by the committee?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stucklager, Van Law, White, Whiting, Wilson—40.

The nays were:

Senator Brown—1.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Cosson, Francis, Taylor, Whipple—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Dowell asked unanimous consent to withdraw Senate File No. 421 from the Committee on Cities and Towns.

Consent granted.

Senator Gilliland from the Committee on Cities and Towns returned to the Senate, Senate File No. 421.

Senator Dowell asked unanimous consent to withdraw Senate File No. 421 from further consideration by the Senate.

Consent granted.

REPORTS OF COMMITTEE.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads to whom was referred House File No. 427, a bill for an act to amend the law as it appears in Section 191-i of the Supplement to the Code, 1907, relating to special assessments for sidewalk and street improvements in cities and towns, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Railroads to whom was referred House File No. 280, a bill for an act to provide that any common carrier operating or doing business within the State of Iowa shall adjust and pay all claims for which such common carrier is liable, for loss or damage to property or overcharge for freight, within a certain time; to provide for the payment of ten per cent interest on such claims and for the recovery of attorney's fees in case of the failure of the common carriers to adjust and pay such claims within the time limited herein, and to make this a cumulative act, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Railroads to whom was referred House File No. 279, a bill for an act to regulate demurrage and storage charges and to prevent delays in the transportation and delivery by railroads of freight; to provide charges and damages and for the recovery thereof, and to provide penalties for the violation of the provisions hereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 363, a bill for an act to promote the public safety by requiring persons or corporations operating railways within the State of Iowa to equip locomotives or other motive power, with headlights of certain power, and providing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Quigley, House File No. 36, a bill for an act to amend Chapter Six (6) Title Five (5) of the Code, relating to sprinkling of streets and providing for the assessment of the cost thereof on the property benefited thereby, was taken up and considered.

The motion to reconsider the vote by which the bill failed to pass the Senate and also the vote by which the bill passed to its third reading, prevailed.

Senator Quigley moved the adoption of the following amendment.

I move that House File No. 36, found on page 411 of the House Journal of Wednesday, February 17th, be amended by striking out

of the first line in Section One (1), the words "cities and towns and cities under special charter," and inserting in lieu thereof the following: "cities of the second class and towns," and by striking out the word "four" between the words "exceeding" and "mills" in line four thereof, and inserting in lieu thereof the word "two."

The amendment was lost.

Senator Chapman moved that the time for adjournment be extended 15 minutes.

Carried.

Senator Quigley moved that the rules 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 ayes were:

Senators Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hunter, Larrabee, McManus, Peterson, Proudfoot, Quigley, Sammis, Smith of Mitchell, Stuckslager, Whipple—21.

The nays were:

Senators Allen of Pocahontas, Clark, Gates, Hammill, Hoyt, Mattes, Maytag, Saunders, Savage, Seeley, Van Law, White—13.

Absent or not voting:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Bruce, Dowell, McCulloch, Moon, Nichols, Parshall, Ream, Smith of Des Moines, Taylor, Whiting, Wilson—15.

So the bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

HOUSE MESSAGES CONSIDERED.

Senate File No. 422, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa.

Passed on file.

House File No. 488, a bill for an act to repeal Section Two Thousand Seventy-seven-a (2077-a) of the Supplement to the

Code, 1907, relative to the posting of bulletins in passenger stations, and to enact a substitute therefor.

Read first and second time and referred to Committee on Railroads.

Senate File No. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

Passed on file.

Senate File No. 397, a bill for an act legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

Passed on file.

House File No. 379, a bill for an act requiring incorporated cities and towns to publish the acts or proceedings of the board of aldermen and city and town councils.

Read first and second time and referred to Committee on Cities and Towns.

The Journal of yesterday was taken up, corrected and approved.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 422, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa, was taken up and considered.

Senator Allen of Pocahontas moved that the Senate concur in the following House amendment:

Amend by inserting after the word "ordinances" in line four of the preamble the following words: "in this that the record fails to show that readings of the same were had on separate days or that such readings were dispensed with by proper suspension of the rules provided therefor;"

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple, White—35.

The nays were :

None.

Absent or not voting :

Senators Adams, Allen of Van Buren, Bennett, Bruce, De Wolf, Dowell, Francis, Gates, Nichols, Savage, Smith of Des Moines, Taylor, Whiting, Wilson—14.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

Senator Adams asked unanimous consent to call up House Concurrent Resolution, relative to the shipping of books and supplies of the Senators by the Custodian and the assistant Secretaries of State.

Consent granted.

Senator Adams moved that the Senate concur in the House Concurrent Resolution.

Carried.

Senator Mattes offered the following Concurrent Resolution and moved its adoption :

CONCURRENT RESOLUTION.

Resolved, by the Senate, the House Concurring: That the Secretary of the Senate and Chief Clerk of the House be required to remain at the Capitol and perform their respective duties as such for a period of five days after the close of the session of the Thirty-third General Assembly, the first assistant secretary of the Senate and the assistant clerk of the House, each three days, the second assistant secretary and the reading clerk of the House, the journal clerks of the Senate and the journal clerks of the House each one day, the engrossing clerk of the Senate one day and the engrossing clerk of the House three days, the enrolling clerk of the Senate three days and the enrolling clerk of the House one day, the postmistress and the assistant postmistress each two days, the mail carrier two days; for the purpose of reading, correcting, arranging, preserving and certifying the records of the session and closing up the business of their respective offices, and that they receive the same compensation per day for such extra time as they now receive.

Adopted.

REPORTS OF COMMITTEES.

Senator Burgess, 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 House Joint Resolution No. 5, a joint resolution and memorial requesting Congress under the provision of Article five of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. C. BURGESS,
Chairman.

Adopted.

So the Joint Resolution was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Constitutional Amendments and Suffrage to whom was referred House Joint Resolution No. 9, joint resolution of the Thirty-third General Assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United State, beg leave to report they have had the same under consideration and recommend the same do pass.

H. C. BURGESS,
Chairman.

Ordered passed on file.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your committee on Pharmacy, to whom was referred Senate File No. 426, a bill for an act to amend the law as it appears in Section 2593 of the Supplement to the Code, 1907, relating to the sale of poisons, beg leave to report they have had the same under consideration and recommend the same do pass.

GEORGE McCULLOCH,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Pharmacy, to whom was referred Senate File No. 302, a bill for an act to repeal certain Section of the Code of 1897, and also of the Supplement of the Code of 1907, referring to licensed pharmacists, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

GEORGE McCULLOCH,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your committee on Agriculture, to whom was referred Senate File No. 429, a bill for an act to amend the law as it appears in Section nineteen hundred eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal, beg leave to report they have had the same under consideration and recommend the same do pass.

J. E. BRUCE,
Chairman.

Ordered passed on file.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 449, a bill for an act to amend Section forty-seven hundred seventy-five-c (4775-c) and forty-seven hundred seventy-five-d (4775-d) of the Supplement to the Code, 1907, relating to wife desertion and to the bond that may be given in case of the person who deserts his wife.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate was asked:

House File No. 510, a bill for an act to amend the law as it appears in Section one hundred fifty-four (154) of the Code, relative to compensation of custodian.

C. R. BENEDICT,
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. 512, a bill for an act to provide for the appropriation of money to the Farmers' Institutes of Cherokee and Palo Alto counties and to the Franklin County Agricultural Society.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 131, a bill for an act to repeal Sections two hundred eight (208), two hundred nine (209), and two hundred ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor.

C. R. BENEDICT,
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. 534, a bill for an act to amend the law as it appears in Sections twenty-five hundred and forty, (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred and fifty-one (2551) twenty-five hundred and fifty two (2552), and twenty-five hundred fifty-six (2556) of the Supplement to the Code, 1907; and Sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), twenty-five hundred fifty-five (2555), twenty-five hundred fifty-nine (2559), and twenty-five hundred sixty-two (2562) of the Code, relating to the protection of fish and regulating the shipment of game within the State; prohibiting the shipment of fish for sale, prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Substitute for Senate File No. 71, a bill for an act providing for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections fifteen hundred twenty-eight (1528) and fifteen hundred thirty (1530) of the Supplement of the Code, 1907, and enacting substitutes therefor, and repealing Sections fifteen hundred sixty-two (1562) and fifteen hundred sixty-two-a (1562-a) of the Supplement to the Code, 1907, and repealing Sections fifteen hundred sixty-four (1564), fifteen hundred sixty-five (1565) and five thousand twenty-four (5024) of the Code.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House adopts Conference Committee report and amendments as recommended by the Conference Committee on House File No. 9, a bill for an act to repeal Section three thousand three hundred and seven (3307) of Supplement to the Code, 1907, relating to administrations of the estates of absentees, and to enact a substitute therefor.

C. R. BENEDICT,
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. 399, a bill for an act providing for the releasing or satisfying of recorded mortgages by corporations.

C. R. BENEDICT,
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. 328, a bill for an act to amend the law as it appears in Section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the railroad commissioners.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 185, a bill for an act to amend Section two thousand five hundred and eighty-nine-b (2589-b) of the Supplement to the Code, 1907, relative to the requirements of applicants for registration as pharmacists.

Also:

Senate File No. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason.

Also:

Senate File No. 306, a bill for an act to amend the law as it appears in Section four thousand one hundred fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal.

Also:

Senate File No. 307, a bill for an act to amend Section four thousand one hundred thirty-nine (4139) of the Code, relating to practice in the Supreme Court.

Also:

Senate File No. 359, a bill for an act repealing Section two thousand nine hundred-a-twenty-five (2900-a-25) of the Supplement to the Code, 1907, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

Also:

Senate File No. 51, a bill for an act to amend the law as it appears in Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, relating to the compensation of short-hand reporters.

Also:

Senate File No. 348, a bill for an act to repeal Section 69 of the Code, and to amend the law as it appears in Section 5718-a-14 of the Supplement to the Code, 1907; and to amend Sections 293, 475 and 5641 of the Code, relative to criminal reports and statistics.

Also:

Senate File No. 206, a bill for an act to amend the law as it appears in Title V, Chapter fourteen-c (14-c) of the Supplement to the Code, 1907,

relating to the government of certain cities, and conferring additional powers upon such cities.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 185, a bill for an act to amend Section two thousand five hundred and eighty-nine-b (2589-b) of the Supplement to the Code, 1907, relative to the requirements of applicants for registration as pharmacists.

Also:

Senate File No. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason.

Also:

Senate File No. 306, a bill for an act to amend the law as it appears in Section four thousand one hundred fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal.

Also:

Senate File No. 307, a bill for an act to amend Section four thousand one hundred thirty-nine (4139) of the Code, relating to practice in the Supreme Court.

Also:

Senate File No. 359, a bill for an act repealing Section two thousand nine hundred-a-twenty-five (2900-a-25) of the Supplement to the Code, 1907, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

Also:

Senate File No. 51, a bill for an act to amend the law as it appears in Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, relating to the compensation of short-hand reporters.

Also:

Senate File No. 348, a bill for an act to repeal Section 69 of the Code, and to amend the law as it appears in Section 5718-a-14 of the Supplement to the Code, 1907; and to amend Sections 293, 475 and 5641 of the Code, relative to criminal reports and statistics.

Also:

Senate File No. 206, a bill for an act to amend the law as it appears in Title V, Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities, and conferring additional powers upon such cities.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 4, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same, was taken up and considered.

Senator Francis filed the following motion:

I move to reconsider the vote by which House File No. 4. was indefinitely postponed.

L. E. FRANCIS,
J. A. WHITE.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Balkema, Clarkson, Cosson, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Parshall, Peterson, Ream, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—21.

The nays were:

Senators Adams, Brown, Bruce, Clark, De Armand, De Wolf, Foley, McCulloch, McManus, Maytag, Moon, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor—20.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Burgess, Chapman, Dowell, Frudden, Gates, Nichols—8.

So the motion to reconsider prevailed.

Senator Adams raised the point of order that under the following resolution adopted by the Senate, the motion to reconsider will require a two-thirds majority.

Resolved, That during the remainder of the session, no measure shall be considered unless the committee to which the same has been referred, shall have reported in favor of its passage, except those on the Calendar.

The President ruled that the point of order was not well taken.

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. 501, a bill for an act permitting lower land owners to join tile to tile of upper land owners.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurs in Senate amendments as named by the Conference Committee report and adopts the amendments as recommended by the Conference Committee on House File No. 495, a bill for an act to amend Sections nineteen hundred eighty-nine-a-two (1989-a-2), nineteen hundred eighty-nine-a-four (1989-a-4), nineteen hundred eighty-nine-a-five (1989-a-5), nineteen hundred eighty-nine-a-six (1989-a-6), nineteen hundred eighty-nine-a-seven (1989-a-7), nineteen hundred eighty-nine-a-eight (1989-a-8), nineteen hundred eighty-nine-a-ten (1989-a-10), nineteen hundred eighty-nine-a-twelve (1989-a-12), nineteen hundred eighty-nine-a-thirteen (1989-a-13), nineteen hundred eighty-nine-a-fourteen (1989-a-14), nineteen hundred eighty-nine-a-three (1989-a-3), nineteen hundred eighty-nine-a-nineteen (1989-a-19), nineteen hundred eighty-nine-a-twenty-one (1989-a-21), nineteen hundred eighty-nine-a-twenty-two (1989-a-22), nineteen hundred eighty-nine-a-twenty-seven (1989-a-27), nineteen hundred eighty-nine-a-twenty-nine (1989-a-29), nineteen hundred eighty-nine-a-thirty-two (1989-a-32), nineteen hundred eighty-nine-a-thirty-five (1989-a-35), nineteen hundred eighty-nine-a-forty-four (1989-a-44), and to repeal Sections nineteen hundred eighty-nine-a-three (1989-a-3), nineteen hundred eighty-nine-a-eleven (1989-a-11), nineteen hundred eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-courses, levees and drains.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 263, a bill for an act to repeal Section number sixteen hundred ninety-nine (1699) of the Code, relating to the investment of their funds by insurance companies other than life, organized under chapter four (4) Title IX of the Code, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 38, a bill for an act to establish the office of Commerce Counsel, was taken up and considered.

On the motion to reconsider the vote by which the bill failed of passage and also the vote by which the bill passed to its third reading, a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Balkema, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Peterson, Ream, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—23.

The nays were:

Senators Adams, Brown, Bruce, Clark, De Armand, De Wolf, Foley, Frudden, McCulloch, McManus, Maytag, Moon, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor—21.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Burgess, Chapman, Parshall—5.

So the motion prevailed.

Senator Francis offered the following amendments:

I move to amend the bill by striking out all after the enacting clause and offer the following as a substitute therefor:

SECTION 1. The Governor of this State is hereby authorized and directed to appoint an attorney, whose duty it shall be to represent the people of the State of Iowa before the Railway Commission of the State of Iowa, the Inter-state Commerce Commission, and in the courts in connection with the regulations, practices, equipment, service and reasonableness of the rates charged or to be charged for services rendered or to be rendered by railway, express or transportation companies or associations operating in whole or in part in the State of Iowa. The attorney

so appointed shall be known as the Commerce Counsel, he shall be appointed for a term of four years, subject to the approval of two-thirds of the Senate, shall be subject to removal by the Governor, and shall receive a salary of \$3,000.00 per annum. He shall devote his entire time to the duties of his office, and shall not be a candidate while holding the position of Commerce Counsel, nor shall he devote any of his time to the support of any candidate for any office, nor contribute to the expenses of any candidate. Any appointment made in vacation shall continue in force until thirty days after the legislature next convenes. The Commerce Counsel shall be furnished quarters at the Capitol and in the rooms of the Railway Commission, unless otherwise provided by the Executive Council, and shall in addition to the salary above named be allowed his necessary and reasonable expenses while in the performance of his duties, including such necessary clerk hire as the Executive Council may authorize. His expenses shall be subject to revision and approval by the Executive Council.

Sec. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Register and Leader, and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Senator Hammill moved that further consideration of the bill be postponed and that it be made a Special Order to follow Special Order No. 2, set for 10:00 o'clock, A. M., tomorrow.

Senator Clarkson moved to amend by changing the time to 9:00 o'clock, A. M., tomorrow.

Senator Allen of Pocahontas moved to amend the amendment by changing the time to 3:00 o'clock this afternoon.

On the amendment to the amendment a roll call was demanded.

Those favoring the amendment to the amendment were:

Senators Balkema, Clarkson, Cosson, Fitchpatrick, Francis, Gates, Gilliland, Hunter, Larrabee, Mattes, Nichols, Parshall, Peterson, Ream, Van Law, White, Whiting, Wilson—17.

The nays were:

Senators Brown, Bruce, Chapman, Clark, De Armand, De Wolf, Dowell, Foley, Hammill, McCulloch, McManus, Maytag, Moon, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor, Whipple—22.

Absent or not voting:

None.

On the amendment to the motion a roll call was demanded.

Those favoring the amendment to the motion were:

Senators Clarkson, Francis, Moon, Seeley—4.

The nays were:

Senators Adams, Allen of Pocahontas, Brown, Bruce, Chapman, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Maytag, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—33.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Bennett, Burgess, Clark, Frudden, Hoyt, McManus, Nichols, Parshall, Quigley, Taylor—12.

So the amendment to the motion was lost.

On the motion to postpone a roll call was demanded.

Those favoring the motion were:

Senators Adams, Bennett, Brown, Bruce, Chapman, Clark, De Armand, De Wolf, Foley, Gilliland, Hammill, Hoyt, McCulloch, Maytag, Moon, Nichols, Parshall, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Taylor, Whipple—25.

The nays were:

Senators Allen of Pocahontas, Balkema, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Hunter, Larrabee, Mattes, Peterson, Ream, Van Law, White, Whiting, Wilson—16.

Absent or not voting:

Senators Allen of Van Buren, Burgess, Frudden, Gates, McManus, Sammis, Smith of Mitchell, Stuckslager—8.

So the motion prevailed.

On motion of Senator De Wolf, Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same, was taken up and considered.

The substitute was read for information.

Senator De Wolf moved that the substitute be substituted for the original bill.

Carried.

Senator De Wolf moved that the rules be suspended, 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 ayes were:

Senators Balkema, Bennett, Brown, Bruce, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Gates, Hoyt, Hunter, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Sammis, Saunders, Seeley, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—29.

The nays were:

Senators Hammill, Savage—2.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Burgess, Clarkson, De Armand, Francis, Frudden, Gilliland, Larrabee, Mattes, Maytag, Proudfoot, Quigley, Ream, Smith of Mitchell, Stuckslager, Taylor—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

House File No. 501, a bill for an act permitting lower land owners to join tile to the tile of upper land owner.

Read first and second time and referred to Committee on Judiciary.

House File No. 449, a bill for an act to amend Sections Forty-seven Hundred Seventy-five-c (4775-c) and Forty-seven Hundred Seventy-five-d (4775-d) of the Supplement to the Code, 1907, relating to wife desertion and to the bond that may be given in case of the person who deserts his wife.

Read first and second time and referred to Committee on Judiciary.

House File No. 510, a bill for an act to amend the law as it appears in Section One Hundred Fifty-four (154) of the Code, relative to compensation of custodian.

Read first and second time and referred to Committee on Compensation of Public Officers.

House File No. 512, a bill for an act to provide for the appropriation of moneys to the farmers institutes of Cherokee and Palo Alto Counties and to the Franklin County agricultural society.

Read first and second time and referred to Committee on Appropriations.

Substitute for Senate File No. 71, a bill for an act providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing Sections Fifteen Hundred Twenty-eight (1528) and Fifteen Hundred and Thirty (1530) of the Supplement of the Code, 1907, and enacting substitutes therefor; and repealing Sections Fifteen Hundred Sixty-two (1562) and Fifteen Hundred Sixty-two-a (1562-a) of the Supplement to the Code, 1907, and repealing Sections Fifteen Hundred Sixty-four (1564), Fifteen Hundred Sixty-five (1565) and Five Thousand Twenty-four (5024) of the Code, with report of committee recommending substitute and passage, was taken up, considered, and the report of the committee adopted.

Passed on file.

House File No. 9, a bill for an act to repeal Section Three Thousand Three Hundred and Seven (3307) of Supplement to the Code, 1907, relating to administrations of the estates of absentees, and to enact a substitute therefor.

Passed on file.

Senate File No. 328, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred and Thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

Passed on file.

Substitute for Senate File No. 399, a bill for an act providing for the releasing or satisfying of recorded mortgages by corporations.

Passed on file.

Senate File No. 131, a bill for an act to repeal Sections Two Hundred Eight (208), Two Hundred Nine (209), and Two Hundred Ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor.

Passed on file.

House File No. 534, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Forty, (2540), Twenty-five Hundred Forty-a (2540-a), Twenty-five Hundred and Fifty-one (2551), Twenty-five Hundred and Fifty-two (2552), and Twenty-five Hundred Fifty-six (2556) of the Supplement to the Code, 1907; and Sections Twenty-five Hundred Forty-four (2544), Twenty-five Hundred Fifty-four (2554), Twenty-five Hundred Fifty-five (2555), Twenty-five Hundred Fifty-nine (2559) and Twenty-five Hundred Sixty-two (2562) of the Code, relating to the protection of fish and, regulating the shipment of game within the state; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

Read first and second time and referred to Committee on Fish and Game.

House File No. 495, a bill for an act to amend Sections Nineteen Hundred Eighty-nine-a-two (1989-a-2), Nineteen Hundred Eighty-nine-a-four (1989-a-4), Nineteen Hundred Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-6 (1989-a-6), Nineteen Hundred Eighty-nine-a-seven (1989-a-7), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-ten (1989-a-10), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12), Nineteen Hundred Eighty-nine-a-thirteen (1989-a-13), Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), Nineteen Hundred Eighty-nine-a-sixteen, (1989-a-16), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Nineteen Hundred Eighty-nine-a-twenty-one (1989-a-21), Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Nineteen Hundred Eighty-nine-a-twenty-seven (1989-a-27), Nineteen Hundred Eighty-nine-a-twenty-nine

(1989-a-29), Nineteen Hundred Eighty-nine-a-thirty-two (1989-a-32), Nineteen Hundred Eighty-nine-a-thirty-five (1989-a-35), Nineteen Hundred Eighty-nine-a-forty-four (1989-a-44), and to repeal Section Nineteen Hundred Eighty-nine-a-three (1989-a-3), Nineteen Hundred Eighty-nine-a-eleven (1989-a-11), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-courses, levees and drains.

Passed on file.

House File No. 263, a bill for an act to repeal Section Number Sixteen Hundred Ninety-nine (1699) of the Code, relating to the investment of their funds by insurance companies other than life, organized under Chapter Four (4) of Title IX of the Code, and to enact a substitute therefor.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Cosson, Senate File No. 131, a bill for an act to repeal Sections Two Hundred Eight (208), Two Hundred Nine (209), and Two Hundred Ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor was taken up and considered.

Senator Cosson moved that the Senate concur in the following House amendments:

Amend Section 4 by adding after the word "Justice" in the last line thereof the following: "provided, however, that in any case where the Attorney General is an interested party, the Executive Council may employ special counsel and audit and pay a reasonable compensation for legal services rendered by him."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Bennett, Burgess, Chapman, Clark, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Nichols, Parshall, Peterson, Proudfoot, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting, Wilson—31.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Brown, Bruce, Clarkson, De Armand, Foley, Frudden, McManus, Mattes, Maytag, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager—18.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Hoyt, House File No. 406, a bill for an act to amend Section Twenty-eight Hundred Twenty-three-a (2823-a) Supplement to the Code, 1907, relating to the duties of parents or guardians, with report of committee recommending passage was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Hoyt moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Savage, Seeley, Smith of Des Moines, Van Law, Whipple, White, Whiting, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, Bruce, Foley, Frudden, McCulloch, McManus, Mattes, Parshall, Quigley, Sammis, Saunders, Smith of Mitchell, Stuckslager, Taylor—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Peterson, from the Conference Committee on part of the Senate on House File No. 495, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your conference committee to whom was referred House File No. 495, to consider the disagreement arising over the refusal of the House to concur in the Senate amendments to said bill and the insistence of the Senate upon said amendments, which amendments were in words and figures following, to-wit:

1. Amend Section one of the bill by inserting a comma after the word "Code" in the second line and the figures "1907" and comma.

2. Amend Section two of the bill by striking out of the last line of said section the words, "so far as" and inserting in lieu thereof the word "when."

3. Amend Section three of the bill by striking out the word "three" in the thirtieth line and inserting in lieu thereof the word "two" and by striking out the word "ten" in the thirty-second line and inserting the word "twenty" and by striking out the word "have" in the fortieth line.

4. Amend Section six by striking out all the words and punctuation marks commencing with the word "by" in the third line and ending with the word "also" before the word "by" in the fifth line.

5. Amend Section seven by substituting a period for the comma following the word "auditor" in line six of the bill and by striking out of said section all following said period.

6. Amend Section ten of the bill by inserting after the word "changed" in line six the following words: "or that a change or alteration in the location should be made" and be further amended by striking out the figure "26" following the word "eighty-nine" and inserting in lieu thereof the letter and figure as follows "a-6."

7. Amend Section eleven of the bill by striking out all the words and punctuation marks commencing with the word "striking" in the third line thereof down to and including the word "by" in the sixth line thereof: "And by striking out the quotation marks following the word "be" in line sixteen thereof and by adding after the period following said word the following: "Provided, however, that no deferred installment of the amount assessed, as between vendor and vendee, mortgagor and mortgagee, shall become a lien upon the property against which it is assessed and levied, until the thirty-first day of December of the year next preceding that in which it is due and payable." And be further amended by striking out the last four lines of said section.

8. Amend Section thirteen by striking out of said section all after the colon following the word "following" in line five and inserting in lieu thereof the following: "The board of supervisors shall be a proper party in all appeal cases, or actions attacking the proceedings of the board had and taken under the provisions of this chapter, for the purpose of representing the drainage district, and all interested parties therein, other than

those prosecuting the appeal or other adversary action; and the employment of counsel by the board as authorized in this chapter shall be for the purpose of protecting all the rights of the drainage district and interested parties therein other than those prosecuting the appeal or other adversary action. In all appeals or adversary actions, the appellant or complaining party shall be entitled the plaintiff and the board of supervisors and drainage district it represents the defendant. When an appeal, authorized by this chapter, is taken the county auditor shall forthwith make a transcript of the notice of appeal and appeal bond and transmit the same to the clerk of the district court, and the clerk shall docket the same upon payment by the appellant of the docket fee; and on or before the first day of the next succeeding term of the district court, the appellant shall file a petition setting forth the order or decision of the board appealed from and his claims and objections relating thereto; a failure to comply with these requirements shall be deemed a waiver of the appeal and in such case the court shall dismiss the same; it shall not be necessary for the appellee to file answer to the petition unless some affirmative defense is made thereto, but he may do so. The board shall provide a book to be known as the "Drainage Record" and the county auditor shall keep a full and complete record therein of all proceedings of the board relating to drainage districts."

9. Amend Section fourteen of the bill by inserting after the word "by" in line five thereof the following words: "striking out the period at the end of said section and inserting in lieu thereof a semicolon and"; and be further amended by striking out all of said section after the period following the word "same" in line nine thereof and inserting in lieu thereof the following: "And be further amended by striking out the letter "a" following the word 'proceedings' in the fourth line from the end of said section and inserting in lieu thereof the word "or."

10. Amend by striking out of the bill Section fifteen (15) and inserting in lieu thereof the following:

"Section 15. That the law as it appears in Section nineteen hundred eighty-nine-a-18 (1989-a18) of the Supplement to the Code, 1907, be amended by inserting after the word "bridge" and before the comma following said word in the thirtieth line of said section the words: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water"; and that said section be further amended by inserting after the word "bridge" and before the word "shall" in the thirty-third line of said section the following words and punctuation marks, viz: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water"; and that said section be further amended by adding after the period at the end of said section the following: "All other proceedings in relation to railroads shall be the same as provided for individual property owners within the drainage district."

11. Amend by striking out Section seventeen (17) of the bill.

12. Amend by striking out Section nineteen (19) of the bill.

13. Amend by striking out Section twenty (20) of the bill.

14. Amend Section twenty-one of the bill by striking out all of said section after the colon following the word "words" in the fifth line there-

of and inserting in lieu the following words: "At all joint meetings of the boards of supervisors of two or more counties the membership present of each board shall vote as a unit and in accord with the expressed desire of the majority of such membership found by a roll call thereof, a record of which shall be kept and recorded in the proceedings."

15. Amend the bill by adding the following section:

SEC. 22. That the law as it appears in Chapter two-a of Title ten of the Supplement to the Code, 1907, be amended by adding to said chapter as section 1989-a-54 the following: "That after the original establishment of a drainage district, as in this chapter provided, if the said board is satisfied that additional lands should be included within any drainage district, and that said lands are benefited by the improvement therein, and that said lands should have been included in said original district, then, in such case, the board may order the engineer to make a plat of said lands, with the elevations thereof, and report thereon; and thereupon if said report be in favor of including additional lands, which shall be particularly described in the report, said board shall proceed in such matter as to said proposed annexed territory as in the original establishing of such district, including the fixing and levying of the special tax for benefits, and thereafter the said annexed territory shall be a part of said district, and governed in all respects as lands within the original district; or said annexation may be made and brought under the jurisdiction of the board for all of said purposes upon the petition of the owners of all the lands to be annexed."

16. Amend the bill by renumbering Section 18, 21, 22, 23, 24 and 25 as 17, 18, 19, 20, 21 and 23.

Amend the Title of the bill by striking out the words and figures "nineteen hundred eighty-nine-a-19 (1989-a-19)" in lines nine and ten of the printed bill and the words and figures "nineteen hundred eighty-nine-a-27 (1989-a-27)" in lines ten and eleven thereof; and be further amended by inserting after the comma following the word "therefor" in line seventeen the following: And to enact sections of law additional to Chapter two-a of Title ten (10) of the Supplement to the Code, 1907, beg leave to report that they have had the same under advisement and have reached an agreement thereon and in accordance with the agreement arrived at would respectfully recommend as follows:

1. That the House concur in and adopt the Senate amendments hereinbefore set out numbered one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen and sixteen, (1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 16) and the Senate amendment to the title of the bill.

2. That the Senate recede from its insistence on Senate amendments numbered four and fourteen (4 and 14).

3. That the following amendment be adopted by both House and Senate as a substitute for Senate amendment numbered fourteen (14) viz: "Amend Section twenty-one of the bill by striking out all of said section after the colon following the word "words" in the fifth line and inserting in lieu thereof the following words: "When the boards of supervisors are of unequal number, each member of the board of the smallest number of members shall cast a full vote and each member of any larger board shall cast such fractional part of a full vote as may be determined

by making the smallest number of the membership of any board the numerator and the number of the membership of any larger board entitled to vote, the denominator of such fraction, so as to equalize the voting power of each board."

Respectfully submitted,

C. F. PETERSON,
JOHN HAMMILL,
F. N. SMITH,
L. E. FRANCIS,

Members on the Part of the Senate.

PAUL E. STILLMAN,
GEO. A. KELLOGG,
F. C. DAVIDSON,
JOHN W. JACOBS,

Members on the Part of the House.

Adopted.

On motion of Senator Peterson, House File No. 495, a bill for an act to amend Sections Nineteen Hundred Eighty-nine-a-two (1989-a-2), Nineteen Hundred Eighty-nine-a-four (1989-a-4), Nineteen Hundred Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-six (1989-a-6), Nineteen Hundred Eighty-nine-a-seven (1989-a-7), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-ten (1989-a-10), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12), Nineteen Hundred Eighty-nine-a-thirteen (1989-a-13), Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), Nineteen Hundred Eighty-nine-a-sixteen (1989-a-16), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Nineteen Hundred Eighty-nine-a-twenty-one (1989-a-21), Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Nineteen Hundred Eighty-nine-a-twenty-seven (1989-a-27), Nineteen Hundred Eighty-nine-a-twenty-nine (1989-a-29), Nineteen Hundred Eighty-nine-a-thirty-two (1989-a-32), Nineteen Hundred Eighty-nine-a-thirty-five (1989-a-35), Nineteen Hundred Eighty-nine-a-forty-four (1989-a-44), and to repeal Sections Nineteen Hundred Eighty-nine-a-three (1989-a-3), Nineteen Hundred Eighty-nine-a-eleven (1989-a-11), Nineteen Hundred Eighty-nine-a-nineteen (1989-a-19), Supplement to the Code, 1907, all relating to waters, water-courses, levees and drains, was taken up and considered.

Senator Peterson moved that the Senate recede from its insistence on Senate amendments numbered four (4) and fourteen (14), set out in the report of the Conference Committee and that the Senate adopt as a substitute for Senate amendment number fourteen (14), the following amendment:

“Amend Section Twenty-one of the bill by striking out all of said section after the colon following the word “words” in the fifth line and inserting in lieu thereof the following words: “When the Boards of Supervisors are of unequal number, each member of the Board of the smallest number of members shall cast a full vote and each member of any larger board shall cast such fractional part of a full vote as may be determined by making the smallest number of the membership of any Board the numerator and the number of the membership of any such larger Board entitled to vote, the denominator of such fraction, so as to equalize the voting power of each Board.”

On the question, “Shall the Senate recede from its amendments numbered four (4) and fourteen (14) and adopt as a substitute for Senate amendment numbered 14, the amendment recommended by the Conference Committee?”

The ayes were :

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Van Law, White, Whiting, Wilson—41.

The nays were :

None.

Absent or not voting :

Senators Cosson, Frudden, Larrabee, McManus, Quigley, Smith of Mitchell, Taylor, Whipple—8.

So the amendment was adopted and the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Parshall, House File No. 54, a bill for an act to repeal Section Twenty-one Hundred and Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor, was taken up and considered.

On the motion to reconsider the vote by which the bill failed to pass the Senate, a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Francis, Gates, Hunter, Larrabee, Mattes, Moon, Nichols, Parshall, Peterson, Ream, Seeley, Taylor, Van Law, Whipple, White, Whiting, Wilson—28.

The nays were:

Senators Gilliland, Hammill, McCulloch, Maytag, Proudfoot, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager—10.

Absent or not voting:

Senators Bruce, Burgess, Chapman, Clark, De Wolf, Foley, Frudden, Hoyt, McManus, Quigley, Smith of Mitchell—11.

So the motion to reconsider prevailed.

Senator Mattes moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Larrabee, Mattes, Moon, Nichols, Parshall, Peterson, Ream, Seeley, Taylor, Van Law, White, Whiting, Wilson—29.

The nays were:

Senators Bruce, Burgess, Foley, Maytag, Proudfoot, Sammis, Saunders, Savage, Whipple—9.

Absent or not voting:

Senators Clark, Clarkson, Frudden, Gates, Hoyt, McCulloch, McManus, Quigley, Smith of Des Moines, Smith of Mitchell, Stuckslager—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Balkema, Senate File No. 386, a bill for an act defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate same, with report of committee recommending substitute and passage, was taken up, considered, and the report of committee adopted.

The substitute was read for information.

Senator Balkema moved that the substitute be substituted for the original bill.

Carried.

Senator Balkema moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Peterson, Proudfoot, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, White, Whiting, Wilson—34.

The nays were:

Senator Savage—1.

Absent or not voting:

Senators Brown, De Armand, Francis, Frudden, Gates, McCulloch, McManus, Moon, Nichols, Parshall, Quigley, Ream, Taylor, Whipple—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 Allen of Pocahontas, Senate File No. 371, a bill for an act to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debts, was taken up and considered.

Senator Allen of Pocahontas moved that the Senate concur in the following House amendments.

Amend by striking from line six of the title the following "fifteen hundred and thirty (1530)."

Also amend by striking out Section 6 and renumbering Sections 7, 8, 9 and 10 to Sections 6, 7, 8 and 9 respectively.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gillingland, Hammill, Hoyt, Hunter, Larrabee, Mattees, Maytag, Nichols, Peterson, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Adams, De Armand, Gates, McManus, McCulloch, Moon, Parshall, Proudfoot, Quigley, Sammis, Saunders, Smith of Mitchell, Whipple—13.

So the House amendments having received a constitutional majority were declared concurred in.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 348, 185, 224, 307, 51, 306, 359, 206.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 185, a bill for an act to amend Section two thousand five hundred and eighty-nine-b (2589-b) of the Supplement to the Code, 1907, relative to the requirements of applicants for registration as pharmacists.

Also :

Senate File No. 224, a bill for an act to amend Section eleven hundred ninety-five (1195) of the Code, relating to officers holding over for any reason.

Also :

Senate File No. 306, a bill for an act to amend the law as it appears in Section four thousand one hundred fourteen (4114) of the Supplement to the Code, 1907, relating to the sufficiency of notice of appeal.

Also :

Senate File No. 307, a bill for an act to amend Section four thousand one hundred thirty-nine (4139) of the Code, relating to practice in the Supreme Court.

Also :

Senate File No. 359, a bill for an act repealing Section two thousand nine hundred-a-twenty-five (2900-a-25) of the Supplement to the Code, 1907, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

Also :

Senate File No. 51, a bill for an act to amend the law as it appears in Section two hundred and fifty-four-a-2 (254-a-2) of the Supplement to the Code, 1907, relating to the compensation of short-hand reporters.

Also :

Senate File No. 348, a bill for an act to repeal Section 69 of the Code, and to amend the law as it appears in Section 5718-a-14 of the Supplement to the Code, 1907; and to amend Sections 293, 475 and 5641 of the Code, relating to criminal reports and statistics.

Also :

Senate File No. 206, a bill for an act to amend the law as it appears in Title V, Chapter fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities, and conferring additional powers upon such cities.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF COMMITTEE.

Senator Francis, 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. 554, a bill for an act relating to Fish and Game,

beg leave to report they have had the same under consideration and recommend the same do pass.

L. E. FRANCIS.
Chairman.

Adopted.

Senator Francis moved that House File No. 534, a bill for an act relating to fish and game be made a Special Order for 9:30 o'clock, A. M., tomorrow.

Carried.

On motion of Senator Peterson, House File No. 513, a bill for an act to amend Section Thirteen Hundred Twenty-six (1326), Title Seven (7), Chapter One (1), of the Code of Iowa, relating to stock of building and loan associations, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Peterson moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Clark, Clarkson, Dowell, Fitchpatrick, Gilliland, Larrabee, McCulloch, Peterson, Sammis, Seeley, Van Law—12.

The nays were:

Senators Bruce, Burgess, Chapman, De Armand, De Wolf, Foley, Frudden, Gates, Hammill, Hoyt, Parshall, Proudfoot, Savage, Stuckslager, Taylor, Whiting, Wilson—17.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Bennett, Brown, Cosson, Francis, Hunter, McManus, Mattes, Maytag, Moon, Nichols, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Whipple, White—20.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator Maytag, House File No. 111, a bill for an act to amend Section Three Thousand Five Hundred and Five

(3505), Three Thousand Five Hundred and Seven (3507), Three Thousand Five Hundred and Eleven (3511) of the Code, as amended, all relating to the place of trial of actions, with report of committee recommending amendments and passage, was taken up, considered, and the report of committee adopted.

Senator Maytag moved the adoption of the following amendments:

Amend the title to the bill by inserting the words "Supplement to the" in the fourth line of said title after the word "the" and before the word "Code," and by inserting the figures "1907" and a comma thereafter after the word "Code" in said fourth line, and by striking out the words "as amended" as they appear in the fourth line thereof.

Amend Section 4 by inserting after the word "the" and before the word "Code" in the second line thereof, the words "Supplement to the" and by inserting the figures "1907" and a comma thereafter the word "Code" in said second line, and by striking out the words "as amended" as they appear in the second line thereof.

Adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Nichols, Peterson, Proudfoot, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Van Law, Whipple, White, Whiting—
36.

The nays were:

None.

Absent or not voting:

Senators Burgess, Dowell, McCulloch, McManus, Moon, Parshall, Quigley, Ream, Sammis, Saunders, Stuckslager, Taylor, Wilson—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 House was asked:

Senate File No. 179, a bill for an act to amend the law as it appears in Sections two hundred fifty-four-a-thirteen (254-a-13), two hundred fifty-four-a-fourteen (254-a-14), two hundred fifty-four-a-fifteen (254-a-15), two hundred fifty-four-a-sixteen (254-a-16), two hundred fifty-four-a-seventeen (254-a-17), two hundred fifty-four-a-eighteen (254-a-18), two hundred fifty-four-a-nineteen (254-a-19), two hundred fifty-four-a-twenty (254-a-20), two hundred fifty-four-a-twenty-one (254-a-21), two hundred fifty-four-a-twenty-two (254-a-22), two hundred fifty-four-a-twenty-three (254-a-23), two hundred fifty-four-a-twenty-four (254-a-24), two hundred fifty-four-a-twenty-five (254-a-25), two hundred fifty-four-a-twenty-six (254-a-26), two hundred fifty-four-a-twenty-seven (254-a-27), two hundred fifty-four-a-twenty-eight (254-a-28), two hundred fifty-four-a-twenty-nine (254-a-29), and two hundred fifty-four-a-thirty (254-a-30) of the Supplement to the Code, 1907, relating to Juvenile Courts, detention homes and schools, and conferring concurrent jurisdiction upon Superior Courts with District Courts of proceedings brought under said section.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill, in which the concurrence of the House was asked:

Substitute for Senate File No. 157, a bill for an act to amend the law as it appears in Chapter two-a, Title ten (10) of the Supplement to the Code, 1907, relating to levees, ditches, drains and water courses, and providing for work beyond the boundary lines of the district and for the acquirement by condemnation of lands therefor by adding thereto the following.

C. R. BENEDICT,
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. 15, a bill for an act to repeal Section two thousand seven hundred twenty-seven-a (2727-a), Supplement to the Code, and to enact a substitute therefor, providing funds for the support of the School for the Deaf at Council Bluffs, Iowa.

C. R. BENEDICT,
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. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

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. 278, a bill for an act in relation to holding district courts and the assignments of judges therefor.

C. R. BENEDICT,
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. 340, a bill for an act amending the law as it appears in Section twenty-five hundred ninety-six-a (2596-a) of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker pro tem of the House appointed as members of the Joint Committee pursuant to House Joint Resolution No. 7 providing for the appointment of a joint committee to purchase a chair and gavel for the Speaker of the House and President of the Senate, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Representatives Kellogg, Stillman and O'Connor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 81, a bill for an act to repeal Section forty-nine hundred and ninety-nine-a-three (4999-a-3), Supplement of the Code, 1907, relating to the assumption of risks.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 292, a bill for an act to repeal Section Two Thousand Nine Hundred Forty-two-j (2942-j) of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Hammill moved that the rules 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 ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Chapman, Clark, Clarkson, De Armand, DeWolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Maytag, Nichols, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Whipple, White, Whiting—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Burgess, Cosson, Dowell, Francis, McCulloch, McManus, Moon, Quigley, Sammis, Stuckslager, Taylor, Van Law, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

Senate File No. 81, a bill for an act to repeal Chapter One Hundred and Eighty-one (181) of the laws as enacted by the

Thirty-second General Assembly of the State of Iowa relating to the assumption of risks, and providing a substitute therefor.

Senator Clarkson moved that the Senate concur in the following House amendments:

Amend by striking out after the word "defect" in the eleventh line of section one the following: "or by the exercise of reasonable care and caution could have known thereof for such reasonable time to have repaired the same."

By striking out after the word "defects" in the fourteenth line of Section one the following: "and no contract which restricts liability hereunder shall be legal or binding." And by inserting the same after the word "employment" in the last line thereof.

Senator Gilliland moved that further consideration of the bill be postponed until tomorrow morning.

The motion was lost.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hunter, McCulloch, Moon, Peterson, Quigley, Ream, Saunders, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—31.

The nays were:

Senators Bruce, Gilliland, Hoyt, Proudfoot, Savage—5.

Absent or not voting:

Senators Adams, Burgess, Dowell, Larrabee, McManus, Mattes, Maytag, Nichols, Parshall, Sammis, Seeley, Taylor, Whiting—13.

So the House amendments having received a constitutional majority were declared concurred in.

Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor.

Passed on file.

Senate File No. 179, a bill for an act to amend the law as it appears in Sections Two Hundred Fifty-four-a-thirteen (254-a-13), Two Hundred Fifty-four-a-fourteen (254-a-14), Two Hundred Fifty-four-a-fifteen (254-a-15), Two Hundred Fifty-four-a-sixteen (254-a-16), Two Hundred Fifty-four-a-seventeen (254-a-17), Two Hundred Fifty-four-a-eighteen (254-a-18), Two Hundred Fifty-four-a-nineteen (254-a-19), Two Hundred Fifty-four-a-twenty (254-a-20), Two Hundred Fifty-four-a-twenty-one (254-a-21), Two Hundred Fifty-four-a-twenty-two (254-a-22), Two Hundred Fifty-four-a-twenty-three (254-a-23), Two Hundred Fifty-four-a-twenty-four (254-a-24), Two Hundred Fifty-four-a-twenty-five (254-a-25), Two Hundred Fifty-four-a-twenty-six (254-a-26), Two Hundred Fifty-four-a-twenty-seven (254-a-27), Two Hundred Fifty-four-a-twenty-eight (254-a-28), Two Hundred Fifty-four-a-twenty-nine (254-a-29), and Two Hundred Fifty-four-a-thirty (254-a-30), of the Supplement to the Code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts of proceedings brought under said section.

Passed on file.

Senate File No. 15, a bill for an act to repeal Section Two Thousand Seven Hundred Twenty-seven-a (2727-a), Supplement to the Code, and to enact a substitute therefor, providing funds for the support of the School for the Deaf at Council Bluffs, Iowa.

Passed on file.

Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

Passed on file.

Senate File No. 340, a bill for an act amending the law as it appears in Section Twenty-five Hundred Ninety-six-a (2596-a) of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs.

Passed on file.

House Joint Resolution No. 7, providing for the appointment of a joint committee to purchase a chair and gavel, for the Speaker of the House and the President of the Senate.

Passed on file.

Substitute for Senate File No. 157, a bill for an act to amend the law as it appears in Chapter Two-a, Title Ten (10), of the Supplement to the Code, 1907, relating to levees, ditches, drains, and water-courses, and providing for work beyond the boundary lines of the district and for the acquirement by condemnation of lands therefor by adding thereto the following.

Senator Hammill moved that the Senate concur in the following House amendments:

Amend title by substituting the following therefor:

A bill for an act additional to Chapter Two-a (2-a), Title Ten (10), of the Supplement to the Code, 1907, relating to levees, ditches, drains and water-courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for purpose of securing proper outlet.

Also amend by striking out the word "said" where it appears in lines 11, 15, 17 and 18, and inserting in lieu thereof the word "such" in each case; and by striking out the word "it" in line 20 and inserting in lieu thereof the words, "the Board of Supervisors."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Bennett, Brown, Dowell, McManus, Parshall, Quigley, Sammis, Whiting—8.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Clark, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 360, a bill for an act to amend paragraph two (2), Section thirteen hundred and four (1304) of the Supplement to the Code, 1907, relating to exemption from taxation of charitable and benevolent institutions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 367, a bill for an act to provide for recognition by the State board of medical examiners of standard attainments in colleges other than medical colleges, beg leave to report they have had under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Public Health, to whom was referred House File No. 496, a bill for an act to amend the law as it appears in Section four thousand nine hundred forty-six-b (4946-b) of the Supplement to the Code, 1907, relating to the distribution of dissecting material, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. W. CLARK,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Clarkson asked unanimous consent to call up the resolution relative to the appointing of a Sifting Committee.

Consent granted.

By unanimous consent the substitute offered by Senator Gilliland was withdrawn.

Senator Adams offered the following substitute for the resolution and amendments:

I move as a substitute that a Sifting Committee be appointed to take charge of all bills not in the possession of the Senate Wednesday night April 7th.

The amendment was lost.

By the unanimous consent the amendment offered by Senator Adams was withdrawn.

Senator Clarkson offered the following amendment and moved its adoption.

I move to amend by adding to the motion that this motion shall not apply to special orders or bills on the calendar at the close of this session.

Adopted.

The resolution as amended was adopted.

The President announced as Sifting Committee: Senators Saunders, Peterson, Whipple, Maytag, Smith of Mitchell, De Wolf and Moon.

The President announced communications from the Governor which would require an Executive Session.

Senator Saunders moved that the Senate go into Executive Session.

Carried.

The Senate went into Executive Session.

The President laid before the Executive Session the following communication:

STATE OF IOWA.

EXECUTIVE DEPARTMENT.

To the Senate of the Thirty-third General Assembly:

GENTLEMEN—I have the honor herewith to nominate, and with your consent as provided by law, to appoint as a member of the Board of Control of State institutions to succeed the Honorable John Cownie, whose term expires April, 1910, the Honorable J. P. Connor, of Denison.

B. F. CARROLL,
Governor.

Done this 7th day of April, 1909.

The communication was referred to a committee, as required by law.

The President also laid before the Executive Session the following communication:

STATE OF IOWA.

EXECUTIVE DEPARTMENT.

To the Senate of the Thirty-third General Assembly:

GENTLEMEN—I have the honor herewith to nominate, and with the consent of your honorable body, as provided by Senate File No. 198 of the present General Assembly, to appoint the following named persons as the State Board of Education provided for by the bill above referred to which became a law the 31st day of last month by publication:

For the Term of Two Years.

A. B. Funk, republican, Spirit Lake.
George T. Baker, democrat, Davenport.
T. D. Foster, democrat, Ottumwa.

For the Term of Four Years.

P. K. Holbrook, republican, Onawa.
C. R. Brenton, republican, Dallas Center.
D. D. Murphy, democrat, Elkader.

For the Term of Six Years.

J. H. Trewin, republican, Cedar Rapids.
Roger Leavitt, republican, Cedar Falls.
E. P. Schoentgen, democrat, Council Bluffs.

B. F. CARROLL,
Governor.

Done this 7th day of April, 1909.

The communication was referred to a committee as required by law.

On motion, the Senate arose from Executive Session.

The Senate resumed regular session.

Senator Chapman asked unanimous consent to withdraw Senate File No. 259 from the Committee on Highways.

Consent granted.

Senator Chapman asked unanimous consent to withdraw Senate File No. 259 from further consideration by the Senate.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules be suspended 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple—34.

The nays were:

None.

Absent or not voting:

Senators Bennett, Bruce, Clarkson, Cosson, De Armand, Foley, Larrabee, McManus, Parshall, Ream, Seeley, Taylor, White, Whiting, Wilson—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Dowell from the Committee on Judiciary returned to the Senate the following bills, House Files Nos. 457, 516, 520, 504, 501 and 449, and Senate Files Nos. 286 and 407.

Senator Seeley from the Committee on Compensation of Public Officers returned to the Senate the following bills, House File Nos. 305, 329 and 510.

Senator Peterson from the Committee on Elections returned to the Senate the following bills, House Files Nos. 172, 439 and Senate Files Nos. 250, 125, and 60.

Senator Gilliland from the Committee on Cities and Towns returned to the Senate the following bills, House Files Nos. 328, 379, 434 and 527.

Senator Stuckslager from the Committee on Banks and Banking returned to the Senate the following bills, Senate File No. 409, and House File No. 184.

Senator Saunders from the Committee on Railroads returned to the Senate, House Files Nos. 214 and 488.

Senator Balkema from the Committee on Rules returned to the Senate, Senate File No. 2.

Senator Chapman from the Committee on Manufactures returned to the Senate, House Files Nos. 8 and 491.

Senator Hammill, from the Committee on Penitentiaries and Pardons returned to the Senate, Senate File No. 120.

Senator Whipple from the Committee on Insurance returned to the Senate, House File No. 400.

Senator Taylor from the Committee on Horticulture and Forestry returned to the Senate, House File No. 166.

Senator Smith of Mitchell, from the Committee on Ways and Means returned to the Senate, Senate File No. 428.

Senator Smith of Mitchell moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock, A. M., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 8, 1909.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. Father Nugent, of Des Moines, Iowa.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments in which the concurrence of the House was asked:

House File No. 537, a bill for an repealing Sections one hundred sixty-two (162) of the Code and one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the State treasury and requiring a biennial report of State expenses for the several State offices, boards, commissions and institutions to be made by the Executive Council.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House requests the recall for further consideration in which the concurrence of the House was asked:

Senate File No. 158, a bill for an act amending Section thirteen hundred and ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another State or territory.

C. R. BENEDICT,
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:

House Concurrent Resolution relative to the publishing in pamphlet form 6,000 copies each of the drainage, amended primary and road laws of the State.

C. R. BENEDICT,
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. 395, a bill for an act to legalize certain notices of incorporation.

C. R. BENEDICT,
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. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

C. R. BENEDICT,
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. 420, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-six (186) of the laws of the thirty-first General Assembly, relating to the levy of a millage tax for the State Normal school and providing for the expenditure thereof.

C. R. BENEDICT,
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. 419, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-four (184) of the laws of the thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

C. R. BENEDICT,
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. 417, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.

C. R. BENEDICT,
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. 285, a bill for an act to repeal Section 1306-e of the Supplement to the Code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof, relating to the same subject.

C. R. BENEDICT,
Chief Clerk.

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. 252, a bill for an act providing for the appointment of visiting committees from the members of the General Assembly to visit the State institutions prior to the convening of each regular session, and make appropriations therefor.

C. R. BENEDICT,
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. 373, a bill for an act to amend Section 1056-a-9 of the Supplement to the Code, 1907, relating to the publication of the State Auditor's report of municipal accounts.

C. R. BENEDICT,
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. 472, a bill for an act to amend the law as it appears in Chapter 1, Title IX, of the Supplement to the Code, relating to the issuance of capital stock of railway corporations.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following Concurrent Resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution relative to certain officers of the Senate and House remaining after the adjournment of the Thirty-third General Assembly.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted conference report and adopted the amendments as recommended by the conference committee on Senate File No. 281, a bill for an act to amend the law as it appears in Section 2806 of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 537, a bill for an act repealing Sections One Hundred Sixty-two (162) of the Code, and One Hundred Sixty-three-a (163-a) and One Hundred Sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the state treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the Executive Council.

Passed on file.

Senate File No. 158, a bill for an act amending Section Thirteen Hundred and Ten (1310) of the Code, relating to taxation of shares of stock in corporations doing business in another state or territory.

Passed on file.

House Concurrent Resolution providing that the Secretary of State be directed to compile and publish in pamphlet form for general distribution, six thousand (6000) copies each of the drainage, amended primary and road laws of the state, as soon as possible after the adjournment of the Thirty-third General Assembly.

Passed on file.

Senate File No. 395, a bill for an act to legalize certain notices of incorporation.

Passed on file.

Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

Passed on file.

Senate File No. 420, a bill for an act to amend Section One (1) of Chapter One Hundred Eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal School and providing for the expenditure thereof.

Passed on file.

Senate File No. 419, a bill for an act to amend Section One (1) of Chapter One Hundred Eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

Passed on file.

Senate File No. 417, a bill for an act to amend Section One (1), of Chapter One Hundred Eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa and providing for the expenditure thereof.

Passed on file.

Substitute for Senate File No. 285, a bill for an act to repeal Section Thirteen Hundred Six-e (1306-e) of the Supplement to the Code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof, relating to the same subject.

Passed on file.

Senate File No. 252, a bill for an act providing for the appointment of visiting committees from the members of the General

Assembly to visit the state institutions prior to the convening of each regular session, and make appropriations therefor.

Passed on file.

Senate File No. 373, a bill for an act to amend Section Ten Hundred Fifty-six-a-9 (1056-a-9) of the Supplement to the Code, 1907, relating to the publication of the State Auditor's report of municipal accounts.

Passed on file.

House File No. 472, a bill for an act to amend the law as it now appears in Chapter One (1), Title Nine (9) of the Supplement to the Code, relating to the issuance of capital stock of railway corporations.

Read first and second time and referred to Sifting Committee.

Senate Concurrent Resolution, relative to certain officers of the Senate and House remaining after the adjournment of the Thirty-third General Assembly.

Passed on file.

Senate File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district.

Passed on file.

Senator Dowell moved that the Senate request the recall from the Governor, of Senate File No. 158, and that the request of the House for the return of the bill be granted.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Clarkson, Cosson, De Armand, Dowell, Fitchpatrick, Foley, Gates, Gilliland, Hoyt, Hunter, McCulloch, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Taylor, Van Law, White—24.

The nays were:

Senators Balkema, Brown, Burgess, Chapman, Clark, De Wolf, Larrabee, Mattes, Savage, Seeley, Smith of Mitchell, Stuckslager, Whipple, Whiting, Wilson—15.

Absent or not voting:

Senators Bennett, Bruce, Francis, Frudden, Hammill, McManus, Moon, Parshall, Sammis, Smith of Des Moines—10.

So the motion prevailed.

Senator Saunders moved that the Senate go into executive session.

Carried.

Senate went into executive session.

EXECUTIVE SESSION.

On motion and on separate roll calls on each person nominated the Senate advised and consented to the appointments of A. B. Funk, republican, of Spirit Lake, George T. Baker, democrat, of Davenport, and T. D. Foster, democrat, of Ottumwa, as members of the State Board of Education for the term of two years.

On motion and on separate roll calls on each person nominated, the Senate advised and consented to the appointments of P. K. Holbrook, republican, of Onawa, C. R. Brenton, republican, of Dallas Center, and D. D. Murphy, democrat, of Elkader, as members of the State Board of Education for the term of four years.

On motion and on separate roll calls on each person nominated, the Senate advised and consented to the appointment of J. H. Trewin, republican, of Cedar Rapids, Roger Leavitt, republican, of Cedar Falls, and E. P. Schoentgen, democrat, of Council Bluffs, as members of the State Board of Education for the term of six years.

On motion the Senate refused to advise and consent to the appointment of the Honorable J. P. Connor, of Denison, as member of the Board of Control of State Institutions for the term beginning April, 1910.

On motion the Senate arose from executive session.

Senate resumed regular session.

INTRODUCTION OF BILLS.

• By Committee on Compensation of Public Officers, Senate File No. 430:

A Bill for an Act to Amend Section Twelve (12) of the Code Relative to the Compensation of Members of the General Assembly.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That Section twelve (12) of the Code is hereby amended by striking from the third line thereof the words, "five hundred and fifty," and by inserting in lieu thereof the words "eight hundred."

Read first and second time and referred to Sifting Committee.

Senator Whipple, from the Conference Committee on House File No. 9, submitted the following report and moved its adoption:

To the President of the Senate:

Your Committee on Conference on the disagreeing votes of the House and Senate on House File No. 9, after full and free conference, begs leave to report and recommend as follows:

1st. That the Senate recede from its substitute amendment to said House File.

2nd. That the following amendment to House File No. 9 be adopted, to-wit: That Section 1 be amended by striking out of lines 4, 5 and 6 thereof the words and language, to-wit:

"When a citizen of the State owning property therein absents himself therefrom and conceals his whereabouts from his family for a period of seven years" and inserting in lieu thereof the following:

"When a resident of this State owning property therein, or any person who may have been a resident of this State, has acquired or may hereafter acquire property or property rights within the State, absents himself from his usual place of residence and conceals his whereabouts from his family without known cause for a period of seven years, or any such person who has gone to parts unknown for a period of ten years."

A. C. RIPLEY,

N. J. LEE,

JOHN B. SULLIVAN,

AUG. A. BALLUFF,

Conferees on the part of the House.

W. P. WHIPPLE,

A. V. PROUDFOOT,

JOHN HAMMILL,

W. C. WHITING,

Conferees on the part of the Senate.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Whipple, House File No. 9, a bill for an act to repeal Section Three Thousand Three Hundred and Seven (3307) of Supplement to the Code, 1907, relating to administrations of the estates of absentees, and to enact a substitute therefor, was taken up and considered.

Senator Whipple moved that the Senate recede from its substitute amendment and adopt the following amendments recommended by the Conference Committee.

That Section 1 be amended by striking out of lines 4, 5, and 6 thereof the words and language, to-wit:

“When a citizen of the state owning property therein absents himself therefrom and conceals his whereabouts from his family for a period of seven years” and inserting in lieu thereof the following:

“When a resident of this state owning property therein, or any person who may have been a resident of this state, has acquired or may hereafter acquire property rights within the state, absents himself from his usual place of residence and conceals his whereabouts from his family without known cause for a period of seven years, or any such person who has gone to parts unknown for a period of ten years.”

On the question, “Shall the Senate recede from its substitute amendment and adopt the amendments recommended by the Conference Committee?”

The ayes were:

Senators Adams, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gillilland, Hammill, Hoyt, Hunter, McCulloch, McManus, Maytag, Nichols, Peterson, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, White, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, De Wolf, Dowell, Larrabee, Mattes, Moon, Parshall, Proudfoot, Quigley, Saunders, Smith of Mitchell, Stuckslager—14.

So the amendments were adopted and the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Maytag, Senate File No. 402, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State Hospitals, Penitentiaries, Industrial Schools, Sanatorium for Treatment of Tuberculosis, Institution for the Feeble-Minded, College for the Blind, School for

the Deaf, Iowa Soldiers' Home and Iowa Soldiers Orphans' Home, was taken up and considered.

Senator Maytag moved that the Senate concur in the following House amendments:

Amend Section One by striking from line 3 the words and figures "five hundred eight thousand dollars (\$508,000.00)" and inserting in lieu thereof the following: "five hundred nine thousand three hundred dollars (\$509,300.00)."

Amend Section 3 by changing the figures in item four from \$2,000.00 to \$2,700.00.

Amend Section 10 by adding thereto the following item: "for pianos, six hundred dollars, \$600.00."

On the question, Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Maytag, Nichols, Peterson, Ream, Savage, Smith of Des Moines, Van Law, Whipple, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Bennett, Chapman, Dowell, Foley, Hunter, Mattes, Moon, Parshall, Proudfoot, Quigley, Sammis, Saunders, Seeley, Smith of Mitchell, Stuckslager, Taylor, White—17.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Maytag, Senate File No. 403, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School, was taken up and considered.

Senator Maytag moved that the Senate concur in the following House amendments:

Amend Section 2 by striking from lines 13 and 14 the words and figures "eight thousand dollars (\$8,000.00)" and inserting in lieu thereof the following: "five thousand (\$5,000.00) dollars."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Brown, Burgess, Chapman, Clark, De Armand, De Wolf, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Peterson, Proudfoot, Quigley, Sammis, Saunders, Smith of Mitchell, Whipple—29.

The nays were:

Senators Bruce, Cosson, Fitchpatrick, Nichols, Ream, Seeley, Smith of Des Moines, Van Law, Whiting, Wilson—10.

Absent or not voting:

Senators Balkema, Bennett, Clarkson, Dowell, Moon, Parshall, Savage, Stuckslager, Taylor, White—10.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Maytag moved that the Senate concur in the following House amendments:

Amend by striking from the 24th line the figures "5,000" and inserting in lieu thereof the figures "10,000"; also by striking from the 20th and 21st lines the words and figures one hundred seven thousand five hundred (\$107,500) dollars" and inserting in lieu thereof the following: "one hundred twelve thousand five hundred (\$112,500) dollars."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Sammis,

Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Whiting, Wilson—41.

The nays were:

None.

Absent or not voting:

Senators Bennett, Clarkson, Dowell, McManus, Moon, Parshall, Seeley, Stuckslager—8.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Maytag moved that House File No. 322, a bill for an act appropriating the sum of one hundred thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the State of Iowa, arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan, be indefinitely postponed.

Carried.

INTRODUCTION OF BILLS.

By Committee on Appropriations, Senate Joint Resolution No. 5:

Approving Estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts.

Joint Resolution cancelling approval of estimate of cost, plans and specifications of an addition to Margaret Hall and approving estimates of cost, plans and specifications for the completion of the Hall of Agriculture, completion of the General Engineering Laboratory, and erection of a Ceramics Building, Domestic Technology Building, Veterinary Department Building, and Gymnasium, Auditorium and Armory Building, and authorizing the completion and erection of said buildings.

Whereas, The Board of trustees of the Iowa State College of Agriculture and Mechanic Arts has submitted to the Thirty-third General Assembly of the State of Iowa estimates of cost, plans and specifications for completion of buildings and erection of buildings, to-wit:

Completion of the Hall of Agriculture, completion of the General Engineering Laboratory, the erection of a Ceramics Building, Domestic Technology Building, Veterinary Department Building, Gymnasium, Auditorium and Armory Building; to be completed and erected under the provisions of chapter one hundred and eighty-four (184) of the acts of the Thirty-first General Assembly; and,

Whereas, Said estimates of cost, plans and specifications are in every way proper and suitable, therefore,

Be it Resolved by the General Assembly of the State of Iowa:

Section 1. That the plans and specifications for the completion of the Hall of Agriculture at a cost not to exceed seventeen thousand (\$17,000) dollars, completion of a general laboratory at a cost not to exceed five thousand seven hundred fifty (\$5,750) dollars, erection of a Ceramics Building at a cost not to exceed fifteen thousand (\$15,000) dollars, Domestic Technology Building at a cost not to exceed seventy-five thousand (\$75,000) dollars, Veterinary Department Building at a cost not to exceed one hundred fifty thousand (\$150,000) dollars, and Gymnasium, Auditorium and Armory Building at a cost not to exceed one hundred fifty thousand (\$150,000) dollars, submitted to the General Assembly of Iowa for approval, are hereby approved.

The board of trustees may proceed to the completion of the Hall of Agriculture, and the General Engineering Laboratory, and with the erection of the Ceramics Building.

The board of trustees shall not take any steps whatever in reference to the letting of contracts and erection of the other buildings authorized by this resolution, and the State Board of Education is hereby authorized to determine the order in which it will erect the buildings over which it shall exercise authority. It may change the plans so as to reduce the cost of erecting of any of said buildings and may withhold the construction of any if it shall deem advisable.

The authorization heretofore granted for the erection of an addition to Margaret Hall is hereby withdrawn.

The Joint Resolution was read first and second time.

By unanimous consent the Joint Resolution was taken up for consideration.

THIRD READING OF BILLS.

Senate Joint Resolution No. 5, a bill for an act approving estimates of cost, plans and specifications of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts, was taken up and considered.

Senator Maytag moved that the rules by which no bill shall be read a second and third time on the same day be suspended.

Carried.

Senator Maytag moved that the rules be suspended, the Joint Resolution be considered engrossed, and read a third time now, which motion prevailed, and the Joint Resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Adams, Allen of Van Buren, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Peterson, Proudfoot, Ream, Sammis, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Bruce, Burgess, Gilliland, McManus, Moon, Nichols, Parshall, Quigley, Saunders, Seeley, Stuckslager, White—13.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Governor returned to the Senate, Senate File No. 158, as requested by the Senate.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 277, a bill for an act making an appropriation for the erection of a monument at Drakesville cemetery, Davis county, Iowa, to perpetuate the memory of Isaac Mason, a soldier of the Revolutionary war, and providing the method of such erection, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 347, a bill for an act to make an appropriation for the erection of a monument and otherwise beautify the lot where

rests the remains of Wilson A. Scott, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 395, a bill for an act to appropriate money for the use of the Iowa Highway Commission, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 231, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 308, a bill for an act to establish a department of Horticulture and Forestry, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 226, a bill for an act making appropriation to the State Historical society of Iowa, beg leave to report they have had the

same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 201, a bill for an act making appropriations to the State Historical society of Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 380, a bill for an act to establish a department of Horticulture and Forestry, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

INTRODUCTION OF BILLS.

By Committee on Retrenchment and Reform, Senate Joint Resolution, No. 6:

SENATE JOINT RESOLUTION NO. 6.

Joint Resolution Fixing the Number and Compensation of Employees in the Department of State at the Seat of Government.

Be it Resolved by the General Assembly of the State of Iowa:

Until July 1, 1911, the number of employees of the various offices at the seat of government, unless otherwise provided by law, shall at no time exceed the number named herein, and their compensation shall be amounts herein fixed:

FOR THE OFFICE OF THE ATTORNEY-GENERAL.

	Per annum.
One assistant to the attorney general.....	\$1,800.00
One stenographer at a salary of.....	900.00
Additional assistance and contingent fund not to exceed the sum of	5,000.00

FOR THE OFFICE OF AUDITOR OF STATE..

One chief clerk in the insurance department at a salary of....	1,800.00
One securities clerk in the insurance department, who shall give bond, at a salary of	1,500.00
One fee clerk in the insurance department, who shall give bond, at a salary of	1,400.00
Extra clerical assistance in the insurance, revenue and banking departments, not to exceed the sum of.....	1,000.00
One chief clerk in the revenue department at a salary of.....	1,600.00
One chief clerk in the banking department at a salary of.....	1,600.00
One assistant clerk in the banking department at a salary of..	1,000.00
Four stenographers at salaries each, of.....	900.00
One janitor at a salary of.....	780.00
One chief clerk in the department of municipal accounting; also to serve as general clerk.....	1,500.00
Extra clerical assistance, and such other expenses as shall be approved by the executive council in the department of municipal accounting not to exceed the sum of.....	700.00

FOR THE OFFICE OF THE CLERK OF THE SUPREME COURT.

One clerk at a salary of.....	1,200.00
One clerk at a salary of.....	900.00
One messenger who shall perform such duties about his office and for the supreme court room proper as the clerk may order at a salary of	840.00

FOR THE OFFICE OF GOVERNOR.

One pardon clerk at a salary of.....	1,200.00
One requisition clerk at a salary of.....	1,300.00
One general clerk at a salary of.....	900.00
One notarial clerk and stenographer at a salary of.....	900.00
One messenger and usher, who shall act as janitor, at a salary of	900.00

FOR THE STATE LIBRARIAN'S OFFICE.

One cataloger at a salary of.....	1,000.00
One stenographer and bookkeeper at a salary of.....	900.00
One janitor at a salary of.....	780.00
One legislative and general reference assistant, who shall be under the direction of assistant to librarian.....	1,000.00

FOR THE OFFICE OF RAILROAD COMMISSIONERS.

One general clerk at a salary of	1,200.00
One statistical and rate clerk at a salary of.....	1,200.00
One assistant statistical and rate clerk at a salary of.....	780.00
One stenographer at a salary of.....	900.00
One stenographer at a salary of.....	780.00

FOR THE OFFICE OF THE SECRETARY OF STATE.

One chief clerk (who shall give bond) at a salary of.....	1,500.00
One corporation clerk at a salary of.....	1,200.00
One assistant corporation clerk at a salary of.....	1,200.00

One general clerk at a salary of.....	1,200.00
One stenographer at a salary of.....	900.00
One librarian of document department at a salary of.....	1,200.00
One document clerk and accountant for storage building not to exceed	1,200.00
Extra clerical assistance and help in storage building.....	1,000.00
One janitor and messenger at a salary of.....	900.00

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

One stenographer at a salary of.....	900.00
One janitor at a salary of.....	780.00
For extra clerical assistance, not to exceed.....	500.00

FOR THE SUPREME COURT ROOMS.

One bailiff who shall also act as messenger and perform such other duties as the supreme court may order at a salary of..	900.00
For stenographic and messenger service not to exceed.....	5,400.00

FOR THE OFFICE OF TREASURER OF STATE.

One cashier (who shall give bond) at a salary of.....	1,500.00
One bookkeeper at a salary of.....	1,200.00
One general clerk at a salary of.....	1,200.00
One stenographer at a salary of.....	900.00
One watchman who shall be janitor at a salary of.....	780.00
For additional clerical assistance and contingent not to exceed..	600.00

FOR THE HISTORICAL DEPARTMENT.

Assistant curator at a salary of.....	1,200.00
One clerk and stenographer at a salary of.....	1,000.00
One museum curator, at a salary of.....	1,000.00
Three janitors for the historical building at salaries, each of..	780.00
One night watchman at a salary of.....	840.00

FOR THE EXECUTIVE COUNCIL.

One secretary at a salary of.....	2,000.00
One clerk at a salary of.....	1,600.00
One clerk at a salary of.....	1,000.00
One general clerk at a salary of.....	900.00
One stenographer at a salary of.....	900.00
One postmaster and mail carrier, with horse and wagon, at a salary of	1,400.00
For janitor service for office of Secretary of the Executive Council and supply department, and to act as messenger for delivery of supplies from storage building or elsewhere, the sum of	480.00

FOR THE BOARD OF CONTROL.

One chief accountant at a salary of not to exceed.....	1,800.00
One storekeeper and clerk at a salary of not to exceed.....	900.00
One estimate clerk at a salary not to exceed.....	1,200.00
One stenographer and proof reader, at a salary of not to exceed.	1,000.00
Three stenographers and clerks at salaries, each, of not to exceed	900.00

One clerk and janitor at a salary of not to exceed.....	780.00
For extra clerical assistance, not to exceed.....	1,500.00

FOR THE DEPARTMENT OF GEOLOGICAL SURVEY.

One secretary and clerk at a salary of.....	1,100.00
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FOR WEATHER AND CROP SERVICE.

Directors salary	1,500.00
Clerical assistants not to exceed.....	720.00

FOR THE OFFICE OF STATE MINE INSPECTOR.

One clerk at a salary of.....	1,000.00
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FOR THE OFFICE OF THE STATE BOARD OF HEALTH.

One clerk and stenographer at a salary of.....	900.00
Extra clerical assistance not to exceed the sum of.....	900.00

FOR THE OFFICE OF THE SUPREME COURT REPORTER.

One clerk at a salary of not to exceed.....	720.00
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FOR THE OFFICE OF THE LIBRARY COMMISSION.

One secretary at a salary of.....	1,600.00
One librarian (traveling library) at a salary of.....	900.00
One field and reference assistant at a salary of.....	900.00
One library organizer at a salary of.....	720.00
One clerk and general stenographer at a salary of.....	720.00
For extra help as needed, including service of shipping clerk, not to exceed	780.00

FOR THE OFFICE OF THE STATE PHARMACY COMMISSION.

One secretary at a salary of.....	1,500.00
For extra clerical assistance not to exceed.....	150.00

FOR THE OFFICE OF THE FOOD AND DAIRY COMMISSIONER.

One clerk at a salary of.....	1,000.00
One clerk at a salary of.....	900.00
One janitor for rooms occupied by Food and Dairy Commissioner and State Veterinarian, at a salary of.....	780.00

(FOR JANITOR FOR CERTAIN OFFICES.)

For the offices of the department of agriculture (agricultural society) and state board of health there shall be one janitor to be selected by them, at a salary of.....	780.00
For the offices of the pharmacy department, mining inspector and labor bureau, there shall be one janitor to be selected by the custodian at a salary of.....	780.00
For the offices of the adjutant general, G. A. R. department, and geological survey, there shall be one janitor selected by them at a salary of	780.00
For the offices of the railroad commissioners, horticultural department, and attorney general, there shall be one janitor selected by them at a salary of.....	780.00
The last four janitors shall be upon the custodians pay roll.	

TO BE EMPLOYED BY THE CUSTODIAN OF PUBLIC BUILDINGS AND PROPERTY.

One chief engineer at a salary of not to exceed.....	1,500.00
One first assistant engineer at a salary of not to exceed.....	1,200.00
One second assistant engineer at a salary of not to exceed.....	1,000.00
One electrician and machinist at a salary of not to exceed.....	1,200.00
One carpenter at a salary of not to exceed.....	1,000.00
One chief of police at a salary of.....	900.00
Two night watchmen at salaries, each, of.....	900.00
One boiler washer, at a salary of.....	900.00
Necessary firemen (estimated at an average of six) at salaries, each, of	840.00
Eight floor janitors at salaries, each, of.....	780.00
One storage building janitor at a salary of.....	780.00
One janitress to have charge of the ladies toilet rooms at a salary of	780.00
One elevator tender at a salary of.....	780.00
Allowance for washing towels, not to exceed.....	500.00
One florist for six months at a salary of not to exceed \$70.00 per month, or total of	420.00
Two yard men for six months at salaries, each, of \$60.00 per month or a total of.....	720.00
Extra help as may be needed, not to exceed.....	720.00

FOR THE BUREAU OF LABOR STATISTICS.

One clerk and statistician at a salary of.....	900.00
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All janitors employed under the provisions of this resolution, shall at all times be subject to the orders of the custodian to perform any additional service, by way of rendering assistance to the state house engineers, carpenter, supply department, historical department, or any other labor that may be necessary about the capitol or upon the capitol grounds, at such hours as they are not necessarily employed in their regular janitor work, and it shall be the duty of the custodian to assign such janitors to any such extra service, and he shall discharge any janitor for incompetency, neglect of duty or insubordination.

All employes provided for in this act shall devote their entire time to the service of the state, except that this requirement shall not be interpreted to prevent the allowance of a reasonable vacation, such vacation to be at the discretion of the head of the Department or Commission interested, and in no case to exceed two weeks in any one year.

All clerks, janitors and other employes in the departments named in this resolution shall be under the control of the head of the department and may by him be transferred to such work as he shall direct in assisting other clerks or elsewhere in the different branches of the service of the department.

Any head of a department may at any time discharge any clerk or other employe in such department for neglect of duty, insubordination or incapacity.

Read first and second time and passed on file.

THIRD READING OF BILLS. •

On motion of Senator Francis, House File No. 534, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Forty (2540), Twenty-five Hundred Forty-a (2540-a) Twenty-five Hundred and Fifty-one (2551), Twenty-five Hundred and Fifty-two (2552), and Twenty-five Hundred Fifty-six (2556) of the Supplement to the Code, 1907; and Sections Twenty-five Hundred Forty-four (2544), Twenty-five Hundred Fifty-four (2554), Twenty-five Hundred Fifty-five (2555), Twenty-five Hundred Fifty-nine (2559) and Twenty-five Hundred Sixty-two (2562) of the Code, relating to the protection of fish, and regulating the shipment of game within the state; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation, was taken up and considered,

Senator Peterson offered the following amendment and moved its adoption.

I move to amend sub-division three of Section one of the bill by substituting a period for the comma following the word "state" in line six as printed in the House Journal; and by striking out the words "together with a statement" in line ten thereof and inserting in lieu thereof the word "and."

Adopted.

Senator Peterson offered the following amendment and moved its adoption.

I move to amend the bill by striking out Sub-division Eight (8) of Section One.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Bruce, Clark, Cosson, Foley, Gilliland, Hammill, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Whipple, Whiting—24.

The nays were:

Senators Burgess, Chapman, Clarkson, De Armand, Fitchpatrick, Francis, Hoyt, Hunter, Wilson—9.

Absent or not voting:

Senators Bennett, De Wolf, Dowell, Frudden, Gates, McManus, Moon, Parshall, Quigley, Ream, Sammis, Seeley, Stuckslager, Taylor, Van Law, White—16.

So the amendment was adopted.

Senator Francis offered the following amendment and moved its adoption:

I move to amend by striking out all after the word "pickerel" in the third line on Page 1364 of the House Journal down to and including the word "destroyed" at the end of paragraph 3.

On the adoption of the amendment a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Allen of Van Buren, Chapman, De Armand, Fitchpatrick, Foley, Francis, Gates, Hoyt, Seeley, Wilson—10.

The nays were:

Senators Adams, Brown, Bruce, Clarkson, Cosson, De Wolf, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Nichols, Peterson, Proudfoot, Savage, Smith of Des Moines, Stuckslager, Van Law, Whipple, White, Whiting—22.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Bennett, Burgess, Clark, Dowell, Frudden, McManus, Maytag, Moon, Parshall, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Taylor—17.

So the amendment was lost.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend the bill by striking out Sub-division Nine (9) of Section One.

Adopted.

Senator Francis moved that the further consideration of the bill be postponed until tomorrow morning at 10 o'clock.

The motion was lost.

Senator Peterson moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Peterson, Proudfoot, Saunders, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—36.

The nays were:

Senator Francis—1.

Absent or not voting:

Senators Balkema, Dowell, Hoyt, Moon, Nichols, Parshall, Quigley, Ream, Sammis, Savage, Seeley, Taylor—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 157, a bill for an act additional to Chapter 2-a, Title 10 of the Supplement to the Code, 1907, relating to levees, ditches, drains and water courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for purpose of securing proper outlet."

Also:

Senate File No. 81, a bill for an act to repeal Section 4999-a-3, Supplement of the Code, 1907, relating to the assumption of risks and providing a substitute therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER—Your joint committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 157, a bill for an act additional to Chapter 2-a, Title 10 of the Supplement to the Code, 1907, relating to levees, ditches, drains and water courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for purpose of securing proper outlet."

Also:

Senate File No. 81, a bill for an act to repeal Section 4999-a-3, Supplement of the Code, 1907, relating to the assumption of risks and providing a substitute therefor.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 71, a bill for an act providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right-of-ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in Sections one thousand five hundred and twenty-eight (1528) of the Supplement to the Code, 1907, and repealing the law as it appears in Sections 1562 and 1562-a of the Supplement to the Code, 1907, and Sections 1564, 1565 and 5024 of the Code.

Also:

Senate File No. 179, a bill for an act to amend the law as it appears in Sections 254-a-13, 254-a-14, 254-a-15, 254-a-16, 254-a-17, 254-a-18, 254-a-19, 254-a-20, 254-a-21, 254-a-22, 254-a-23, 254-a-24, 254-a-25, 254-a-26, 254-a-27, 254-a-28, 254-a-29, 254-a-30, of the Supplement to the Code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts, of proceedings brought under said sections.

Also:

Senate File No. 340, a bill for an act amending the law as it appears in Section 2596-a of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs.

Also:

Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

Also:

Senate File No. 15, a bill for an act to repeal Section 2727-a Supplement to the Code, 1907, and to enact a substitute therefor, providing funds for the support of the School for the Deaf at Council Bluffs, Iowa.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint 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. 71, a bill for an act providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right-of-ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in Sections one thousand five hundred and twenty-eight (1528) of the Supplement to the Code, 1907, and repealing the law as it appears in Sections 1562 and 1562-a of the Supplement to the Code, 1907, and Sections 1564, 1565 and 5024 of the Code.

Also:

Senate File No. 179, a bill for an act to amend the law as it appears in Sections 254-a-13, 254-a-14, 254-a-15, 254-a-16, 254-a-17, 254-a-18, 254-a-19, 254-a-20, 254-a-21, 254-a-22, 254-a-23, 254-a-24, 254-a-25, 254-a-26, 254-a-27, 254-a-28, 254-a-29, 254-a-30, of the Supplement to the Code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts, of proceedings brought under said sections.

Also:

Senate File No. 340, a bill for an act amending the law as it appears in Section 2596-a of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs.

Also:

Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

Also:

Senate File No. 15, a bill for an act to repeal Section 2727-a Supplement to the Code, 1907, and to enact a substitute therefor, providing funds for the support of the School for the Deaf at Council Bluffs, Iowa.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER—Your committee on Enrolled Bills respectfully report that they have examined, and find correctly enrolled Senate File No. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this State, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

Also:

Senate File No. 399, a bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations, and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

Also:

Senate File No. 328, a bill for an act to amend the law as it appears in Section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

Also:

Senate File No. 421, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa.

Also:

Senate File No. 131, a bill for an act to repeal Sections two hundred eight (208), two hundred nine (209) and two hundred ten (210) of the

Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor.

Also :

Senate File No. 383, a bill for an act to amend the law as it appears in Section nineteen hundred and eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds, providing for additional levy of tax and sale of bonds in certain contingencies.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this State, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

Also :

Senate File No. 399, a bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations, and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

Also :

Senate File No. 328, a bill for an act to amend the law as it appears in Section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

Also :

Senate File No. 422, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa.

Also :

Senate File No. 131, a bill for an act to repeal Section two hundred eight (208), two hundred nine (209) and two hundred ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor.

Also :

Senate File No. 383, a bill for an act to amend the law as it appears in Section nineteen hundred and eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds, providing for additional levy of tax and sale of bonds in certain contingencies.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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 Joint Resolution No. 7, for the appointment of a joint committee to purchase a chair and gavel for the Speaker of the House and the President of the Senate.

Also :

House File No. 153, a bill for an act to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines under the supervision of the State Veterinary Surgeon and make an appropriation therefor.

Also :

House File No. 530, a bill for an act making an appropriation to defray the mileage expense, general expenses and witness fees of the investigating committee for the Hospitals for Insane.

Also :

House File No. 531, a bill for an act making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirty-third General Assembly to visit the several State educational institutions.

Also :

House File No. 207, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.

Also :

House File No. 508, a bill for an act to amend the law as it appears in Section ten hundred fifty-six-a-thirty-six (1056-a-36) of the Supplement

to the Code, 1907, relating to the government of certain cities and the recalling of elective officers therein.

Also:

House File No. 543, a bill for an act to amend House File number two hundred sixty-one (261) of the Thirty-third General Assembly, relating to the issuance of bonds by the city of New Hampton, Iowa.

Also:

House File No. 544, a bill for an act legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 410, a bill for an act making an appropriation for the Farmers' Institute of Pocahontas County, Iowa, under the provisions of Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907.

C. R. BENEDICT,

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. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car, and giving authority to conductors of railway trains to make arrests as peace officers.

C. R. BENEDICT,

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. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections twenty-five hundred and seventy-five-a-forty-eight (2575-a-48) and Section twenty-five hundred and seventy-five-a-forty-nine (2575-a-49), of the Supplement to the Code, 1907.

C. R. BENEDICT,
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. 92, a bill for an act to amend Section five thousand and six (5006) of the Code relating to the sale and use of cigarettes.

C. R. BENEDICT,
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. 297, a bill for an act to amend the law as it appears in Section Ten Hundred ninety (1090) of the Code, relating to the formation of election precincts.

C. R. BENEDICT,
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. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for Insane Persons at Clarinda, Iowa.

C. R. BENEDICT,
Chief Clerk.

REPORT OF COMMITTEE.

Senator Bruce, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your Committee on Agriculture to whom was referred Senate File No. 163, a bill for an act to amend Sections two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the Supplement to the Code, 1907, relating to State veterinary surgeon, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. E. BRUCE,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Senator Dowell asked unanimous consent to take up for consideration Senate Joint Resolution No. 6.

Consent granted.

THIRD READING OF BILLS.

Senate took up for consideration Joint resolution No. 6, fixing the number and compensation of employees in the department of state at the seat of government.

Senator Smith of Mitchell offered the following amendment and moved its adoption.

I move to amend by striking out the paragraph under the section of the resolution relative to the Auditor of State as follows: "Extra clerical assistance and such other expenses as shall be approved by the Executive Council in the department of municipal accounting not to exceed the sum of \$700."

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

In the provision for Attorney General's Office I move to strike out the figure \$5,000 and insert \$3,000 in lieu thereof.

Further consideration of the Joint Resolution was postponed.

HOUSE MESSAGES CONSIDERED.

Senate File No. 410, a bill for an act making an appropriation for the Farmers' Institute of Pocahontas County, Iowa, under the provisions of Section Sixteen Hundred Seventy-five (1675) of the Supplement to the Code, 1907.

Passed on file.

Substitute for Senate File No. 130, a bill for an act providing for the punishment of intoxication, use of profane, indecent, or boisterous language or disturbing the peace and quiet of any railway station or car, and giving authority to conductors of railway trains to make arrests as peace officers.

Passed on file.

Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions

of the law as it appears in Sections Twenty-five Hundred and Seventy-five-a-48 (2575-a-48) and Section Twenty-five Hundred and Seventy-five-a-forty-nine (2575-a-49), of the Supplement to the Code, 1907.

Passed on file.

Substitute for Senate File No. 92, a bill for an act to amend Section Five Thousand and Six (5006) of the Code, relating to the sale and use of cigarettes.

Passed on file.

Substitute for Senate File No. 297, a bill for an act to amend the law as it appears in Section Ten Hundred Ninety (1090) of the Code, relating to the formation of election precincts.

Passed on file.

Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for Insane persons at Clarinda, Iowa.

Passed on file.

The President announced that he had signed in the presence of the Senate, Senate Files Nos. 71, 327, 15, 179, 81, 340, 157, 151, 383, 387, 399, 328, 422; House Files Nos. 207, 543, 153, 531, 544, 530, J. R. No. 7, 508.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 387, a bill for an act to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same and making it an offense to solicit pupils to join them and prescribing the penalty therefor.

Also:

Senate File No. 399, a bill for an act to repeal Section three thousand sixty-eight (3068) of the Code and to enact a substitute therefor,

relating to the use of private seals by individuals, firms or corporations, and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

Also:

Senate File No. 328, a bill for an act to amend the law as it appears in Section two thousand one hundred and thirteen (2113) of the Supplement to the Code, 1907, enlarging the powers of the Railroad Commissioners.

Also:

Senate File No. 422, a bill for an act legalizing the ordinances of the incorporated town of Laurens, Iowa.

Also:

Senate File No. 131, a bill for an act to repeal Sections two hundred eight (208), two hundred nine (209), and two hundred ten (210) of the Code, relating to the office and duties of the Attorney General, and to enact substitutes therefor.

Also:

Senate File No. 383, a bill for an act to amend the law as it appears in Section nineteen hundred and eighty-nine-a-twenty-seven (1989-a-27) of the Supplement to the Code, 1907, relating to drainage bonds, providing for additional levy of tax and sale of bonds in certain contingencies.

Also:

Senate File No. 71, a bill for an act providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right of ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in Section 1528, of the Supplement to the Code, 1907, and repealing the law as it appears in Sections 1562 and 1562-a of the Supplement to the Code, 1907, and Sections 1564, 1565 and 5024 of the Code.

Also:

Senate File No. 179, a bill for an act to amend the law as it appears in Sections 254-a-13, 153-a-14, 254-a-15, 254-a-16, 254-a-17, 254-a-18, 254-a-19, 254-a-20, 254-a-21, 254-a-22, 254-a-23, 254-a-24, 254-a-25, 254-a-26, 254-a-27, 254-a-28, 254-a-29, 254-a-30, of the Supplement to the Code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts, of proceedings brought under said sections.

Also :

Senate File No. 340, a bill for an act amending the law as it appears in Section 2596-a of the Supplement to the Code, 1907, relating to the sale of cocaine and certain other drugs.

Also :

Senate File No. 327, a bill for an act to indemnify Mamie McMahan for personal injuries sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.

Also :

Senate File No. 15, a bill for an act to repeal sections 2727-a Supplement to the Code, 1907, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa.

Also :

Senate File No. 157, a bill for an act additional to Chapter 2-a, Title 10 of the Supplement to the Code, 1907, relating to levees, ditches, drains and water courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for the purpose of securing proper outlet.

Also :

Senate File No. 81, a bill for an act to repeal Section 4999-a-3 Supplement of the Code, 1907, relating to the assumption of risks and providing a substitute therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

The President announced that there had been placed with him a communication requiring an Executive Session.

Senator Saunders moved that the Senate go into Executive Session.

Carried.

Senate went into Executive Session.

The President laid before the executive session the following communication :

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the Senate of the Thirty-third General Assembly:

GENTLEMEN.—I have the honor herewith to nominate and with your consent as provided by law, to appoint as a member of the Board of Control

of State Institutions to succeed the Honorable John Cownie, whose term expires April, 1910, the Honorable F. F. Jones, of Villisca.

B. F. CARROLL,
Governor

Done his 8th day of April, 1909.

The communication was referred to a committee as required by law.

On motion the Senate arose from Executive Session.

Senate resumed regular session.

Senator Chapman moved that the Senate do now adjourn until 1:30 o'clock P. M.

Carried.

Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment, President Clarke presiding.

THIRD READING OF BILLS.

On motion of Senator Allen of Van Buren Senate File No. 278, a bill for an act in relation to holding district courts and the assignments of judges therefor, was taken up and considered.

Senator Allen of Van Buren moved that the Senate concur in the following House amendments.

First. Amend by inserting after the word "Iowa" in the first line thereof the following: "composed wholly of one county and."

Second. Amend by striking out in line five the word "now."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Clark, Clarkson, De Armand, Fitchpatrick, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes,

Nichols, Proudfoot, Quigley, Ream, Savage, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—27.

The nays were:

None.

Absent or not voting:

Senators Adams, Balkema, Brown, Bruce, Chapman, Cosson, De Wolf, Dowell, Foley, Francis, Larrabee, McManus, Maytag, Moon, Parshall, Peterson, Sammis, Saunders, Seeley, Smith of Mitchell, Smith of Des Moines, White—22.

So the House amendments having received a constitutional majority were declared to have been concured in by the Senate.

On motion of Senator Clark, House File No. 440, a bill for an act providing that superior courts shall have jurisdiction of dip-somaniacs, inebriates and those addicted to the excessive use of narcotics, under Chapter 2-a of the Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Clark moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Maytag, Nichols, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Brown, Cosson, Foley, Larrabee, McManus, Mattes, Moon, Parshall, Peterson, White—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 adopted Conference Committee report on Senate File No. 17, a bill for an act to amend Section three thousand three hundred and eleven (3311) of the Code, relating to the valuation of personal property.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to House File No. 111, a bill for an act to provide for a change of place of trial on certain written contracts, and to provide for taxing the costs therein.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 54, a bill for an act to repeal Section twenty-one hundred and nineteen (2119) of the Code relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

C. R. BENEDICT,
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. 475, a bill for an act giving the court power under any proceeding under Sections five thousand sixty (5060) and five thousand sixty-one (5061) of the Code, 1907, to compel the attendance of witnesses; the production of books and papers of corporations, partnerships, associations and individuals prosecuted under said sections; and providing for the exemption from liability of any agent, officer, employe, director or stockholder thereof for, or on account of any transaction to which said evidence or testimony may relate.

C. R. BENEDICT,
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. 394, a bill for an act to legalize the action of the independent school district of Marcus, Cherokee County, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in the following Senate amendments in which the concurrence of the House was asked:

House File No. 534, a bill for an act to amend the law as it appears in Sections twenty-five Hundred and forty (2540), twenty-five hundred forty-a (2540-a), Twenty-five hundred fifty-one (2551), twenty-five hundred and fifty-two (2552) and twenty-five hundred fifty-six (2556) of the Supplement to the Code, 1907, and Sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), twenty-five hundred fifty-five (2555), twenty-five hundred fifty-nine (2559) and twenty-five hundred sixty-two (2562) of the Code, relating to the protection of fish, and regulating the shipment of game within the state, prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate resumed consideration of Senate Joint Resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government.

On the adoption of the amendment offered by Senator Gilliland a roll call was demanded.

Those favoring the adoption of the amendment were:

Senators Adams, Bennett, Chapman, De Armand, Gilliland, Hammill, Hoyt, Larrabee, McCulloch, McManus, Nichols, Proudfoot, Quigley, Ream, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Wilson—20.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Clark, Clarkson, Dowell, Fitchpatrick, Foley, Francis, Gates, Hunter, Mattes, Maytag, Peterson, Sammis, Smith of Mitchell, Van Law, Whipple, Whiting—21.

Absent or not voting:

Senators Brown, Cosson, De Wolf, Frudden, Moon, Parshall, Saunders, White—8.

So the amendment was lost.

Senator Smith of Mitchell moved that the rules be suspended, the Joint Resolution be considered engrossed, and read a third time now, which motion prevailed, and Joint Resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Allen of Pocahontas, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Nichols, Peterson, Proudfoot, Ream, Sammis, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting—37.

The nays were:

Senators Adams, Quigley—2.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Gilliland, Moon, Parshall, Saunders, Seeley, Smith of Des Moines, Taylor, Wilson—10.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate.

EXPLANATION OF VOTE.

Vote "no" on the amendment offered by Senator Gilliland to Joint Resolution No. 6. believing that the Attorney General might be handi-

capped on the enforcement of the new laws passed at this session relating to law enforcement.

W. P. WHIPPLE.

I voted "no" on the amendment because of the new laws passed by this legislature on law enforcement believing that the Attorney General's office might be handicapped if the amendment prevailed.

ROBERT HUNTER.

I have voted in the negative on the amendment offered by the Senator from Mills to Joint Resolution No. 6, as I believe the Attorney General may need additional funds to properly carry out the enforcement of the new laws passed at this session.

W. S. ALLEN.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint 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. 285, a bill for an act to amend the law as it appears in Section thirteen hundred and six-e (1306-e) of the Supplement to the Code, 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds.

Also:

Senate File No. 373, a bill for an act to amend section ten hundred fifty-six-a-9 (1056-a-9) of the "Supplement to the Code, 1907," relating to the publication of the State Auditor's report of municipal accounts.

Also:

Senate File No. 395, a bill for an act to legalize certain notices of incorporation.

Also:

Senate File No. 281, a bill for an act to amend the law as it appears in Section two thousand eight hundred six (2806) of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

Also:

Senate File No. 419, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

Also:

Senate File No. 420, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal School and providing for the expenditure thereof.

Also:

Senate File No. 417, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 285, a bill for an act to amend the law as it appears in Section thirteen hundred and six-e (1306-e) of the Supplement to the Code, 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds.

Also:

Senate File No. 373, a bill for an act to amend section ten hundred fifty-six-a-9 (1056-a-9) of the "Supplement to the Code, 1907," relating to the publication of the State Auditor's report of municipal accounts.

Also:

Senate File No. 395, a bill for an act to legalize certain notices of incorporation.

Also:

Senate File No. 281, a bill for an act to amend the law as it appears in Section two thousand eight hundred six (2806) of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

Also:

Senate File No. 419, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the

State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

Also:

Senate File No. 420, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal Schools and providing for the expenditure thereof.

Also:

Senate File No. 417, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.

HENRY L. ADAMS.

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House: .

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 263, a bill for an act to make appropriations for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, an incumbent, and to make appropriation therefor.

C. R. BENEDICT,

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. 499, a bill for an act to amend Section twenty-one hundred and sixty-five-a (2165-a) of the Supplement to the Code, 1907, relative to the regulation of express companies.

C. R. BENEDICT,

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. 539, a bill to legalize the election of the incorporated town of Weldon, Decatur county, Iowa.

C. R. BENEDICT,

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. 386, a bill for an act defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate same.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

Senate took up for consideration Special Order No. 2, House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation, engaged in the business of lumber dealing, or owning or operating lumber yards, from combining or entering into any agreement, contract, trust or pool, to fix the price at which lumber is to be sold, or to prevent the free action of competition in the buying of lumber, or the selling of lumber, and to provide punishment for the violation of this act.

Senator De Wolf moved that the original bill and the substitute be laid on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Balkema, Bruce, Burgess, Clark, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Mattes, Maytag, Quigley, Sammis, Saunders, Smith of Mitchell, Whiting,—17.

The nays were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Clarkson, Cosson, De Armand, Dowell, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Nichols, Peterson, Proudfoot, Ream, Savage, Smith of Des Moines, Taylor, Van Law, Whipple, Wilson—25.

Absent or not voting:

Senators Brown, Chapman, Moon, Parshall, Seeley, Stuckslager, White—7.

So the motion was lost.

Senator Gilliland moved the previous question on the substitute and the bill.

Carried.

On the motion to substitute the substitute offered by Senator Sammis, for the original bill, a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Burgess, Chapman, Clark, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Hunter, Larrabee, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Stuckslager, Whiting—26.

The nays were:

Senators Adams, Bennett, Brown, Clarkson, Cosson, Gilliland, Hammill, Hoyt, McCulloch, Nichols, Savage, Seeley, Smith of Des Moines, Taylor, Van Law, Whipple, White, Wilson—18.

Absent or not voting:

Senators De Armand, Dowell, Foley, McManus, Parshall—5.

So the motion prevailed.

The substitute was read a first and second time.

Senator Sammis moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend substitute amendment for House File No. 383 by inserting in the last line of Section Two, a comma, and adding the following: "together with reasonable attorney's fees to be fixed by the court in every case of recovery and to be taxed as part of the costs in the case, and the property of any person who may be a member of any such trust, pool, combination, corporation or association, violating the provisions of this act, shall be liable for the full amount of such judgment."

Senator Sammis raised the point of order that the previous question had been ordered on the substitute and the bill, and the amendment was not in order.

The President sustained the point of order.

Senator Hammill moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

Senators Saunders, Savage—2.

Absent or not voting:

Senators Brown, Chapman, McManus, Maytag, Parshall, Quigley, Taylor—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

I vote "no" on House File No. 383 for the reason that the subject is fully covered by Sections 5059 and 5062 of the Supplement to the Code, 1907.

C. G. SAUNDERS.

MR. PRESIDENT. The offer of the substitute for the original bill is in effect an admission that legislation may be required and needed to punish the formation of trusts covering all commodities offered for sale in this State, and if the measure were up for consideration earlier in the session I would vote for the substitute, but to do so at this time means a vote to defeat the original bill, I therefore vote "no" on the substitute.

JOHN T. CLARKSON.

On motion of Senator Allen of Pocahontas, Senate File No. 38, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same, was taken up and considered.

Senator Sammis raised the point of order on the amendment and the bill, that no amendment can be offered because no bill is now properly before the Senate under the De Armand resolution, adopted by the Senate and the further point of order that the bill

is identical with House File No. 4, which was indefinitely postponed by the Senate, and that the bill and amendment cannot therefore be further considered.

The President ruled the point of order not well taken.

Senator Brown moved that when the Senate adjourn it be until 7:30 o'clock this evening.

Carried.

Senator Allen of Pocahontas moved the previous question on the amendment and on the bill.

Carried.

On the adoption of the amendment offered by Senator Francis, a roll call was demanded.

Those favoring the amendment were:

Senators Allen of Pocahontas, Balkema, Clarkson, Cosson, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Peterson, Proudfoot, Ream, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—24.

The nays were:

Senators Brown, De Armand, De Wolf, Foley, Maytag, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager—10.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Burgess, Chapman, Clark, Dowell, McCulloch, McManus, Moon, Parshall, Quigley, Seeley, Taylor—15.

So the amendment was adopted.

Senator Allen of Pocahontas moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Clarkson, Cosson, Dowell, Fitchpatrick, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Mattes, Nichols, Peterson, Ream, Smith of Mitchell, Van Law, Whipple, White, Whiting, Wilson—24.

The nays were:

Senators Adams, Brown, Bruce, Chapman, Clark, De Armand, De Wolf, Foley, McCulloch, Maytag, Moon, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor—19.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Burgess, McManus, Parshall, Seeley—6.

So the bill having failed to receive a constitutional majority was declared lost.

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. 178, a bill for an act defining certain public service corporations and providing for reasonable service and rates; declaring unlawful any discriminatory charges; prescribing penalties and action for reduction of rates and charges; repealing all laws in conflict herewith.

C. R. BENEDICT,
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. 361, a bill for an act to amend Section three hundred thirty-five (335) of the Code relating to the selection of persons to serve as petit and grand jurors and talesmen.

C. R. BENEDICT,
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. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children

legally placed into institutions and homes; to be additional to Chapter 5-b of Title III of the 1907 Supplement of the Code.

C. R. BENEDICT,
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. 380, a bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending Section seven hundred twenty-two (722) of the Supplement to the Code, 1907.

C. R. BENEDICT.
Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Sammis (by request), Senate File No. 431:

A Bill for an Act to Amend the Law as it Appears in Section Eight Hundred Ninety-three (893) of the Code of 1907, Relative to the Collection of Road Tax.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That the law as it appears in Section eight hundred ninety-three (893) of the Code of 1897 be amended by striking out the following:

"Such action, however, must be commenced within one year from the first day of October following the giving of notice to perform the labor."

Read first and second time and referred to Sifting Committee.

By Committee on Appropriations, Senate File No. 432:

A Bill for an Act Appropriating Two Hundred (\$200) Dollars to the Williamsburg Fair Association under the Provisions of Section One Thousand Six Hundred Sixty-one-a (1661-a) of the Supplement to the Code, 1907.

Whereas, the Williamsburg Fair Association of Iowa County, paid out in premiums, during the year 1908, an amount in excess of five hundred (\$500) Dollars, and

Whereas, The officers of said association, laboring under the misapprehension that Attorney General Remley had held, in an opinion, that a "jingle board" was not a gambling device, permitted the operation of a "jingle board" during the holding of its fair, and,

Whereas, Under the provisions of Section one thousand six hundred sixty-one-a (1661-a) of the Supplement to the Code, 1907, the Auditor of State refused to issue his warrant upon the State Treasury for the sum of two hundred (\$200) dollars because of the operation of the said "jingle board," and,

Whereas, The said officers have made affidavit that they were acting in good faith, and without the slightest belief that the use of the "jingle board" was gambling;

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 state treasury, not otherwise appropriated, the sum of two hundred (\$200) dollars for the use of the Williamsburg Fair Association, the amount to which it would be entitled under the provisions of Section one thousand six hundred sixty-one-a (1661-a) of the Supplement to the Code, 1907.

Sec. 2. The Auditor of State of the State of Iowa is hereby authorized to draw his warrant upon the State Treasury in favor of the Williamsburg Fair Association for the sum of two hundred (\$200) dollars.

Read first and second time and passed on file.

HOUSE MESSAGES CONSIDERED.

House File No. 539, a bill for an act to legalize the election in the incorporated town of Weldon, Decatur county Iowa.

Read first and second time and referred to Sifting Committee.

House File No. 499, a bill for an act to amend Section Twenty-one Hundred and Sixty-five-a (2165-a) of the Supplement to the Code, 1907, relative to the regulation of express companies.

Read first and second time and referred to Sifting Committee.

Substitute for Senate File No. 386, a bill for an act defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate same.

Passed on file.

Substitute for Senate File No. 263, a bill for an act to make appropriations for the payment of expenses incurred under special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, an incumbent, and to make an appropriation therefor.

Passed on file.

House File No. 475, a bill for an act giving the court power under any proceeding under Sections Five Thousand Sixty (5060) and Five Thousand Sixty-one (5061) of the Code, 1907, to compel the attendance of witnesses; the production of books and papers of corporations, partnerships, associations and individuals prose-

cuted under said sections; and providing for the exemption from liability of any agent, officer, employe, director or stockholder thereof for, or on account of any transaction to which said evidence or testimony may relate.

Read first and second time and referred to Sifting Committee.

House File No. 178, a bill for an act defining certain public service corporations and providing for reasonable service and rates; declaring unlawful any discriminatory charges; prescribing penalties and action for reduction of rates and charges; repealing all laws in conflict herewith.

Read first and second time and referred to Sifting Committee.

Senate File No. 361, a bill for an act to amend Section Three Hundred Thirty-five (335) of the Code, relating to the selection of persons to serve as petit and grand jurors and talesmen.

Passed on file.

Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5-b of Title III of the 1907 Supplement of the Code.

Passed on file.

Senate File No. 380, a bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light, or electric power plants, and a mode of procedure therefor, and amending Section Seven Hundred Twenty-two (722) of the Supplement to the Code, 1907.

Passed on file.

House File No. 54, a bill for an act to repeal Section Twenty-one Hundred and Nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners, and to enact a substitute therefor.

Passed on file.

House File No. 111, a bill for an act to provide for a change of place of trial on certain written contracts, and to provide for taxing the costs therein.

Passed on file.

Senate File No. 17, a bill for an act to amend Section Three Thousand Three Hundred and Eleven (3311) of the Code, relating to the valuation of personal property.

Passed on file.

HOUSE MESSAGES CONSIDERED.

House File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

Senator Dowell moved that the Senate concur in the following House amendments:

Amend by striking out all after the enacting clause and substituting the following in lieu thereof:

Section 1. Every person, partnership, company, or corporation, owning or operating a street railway in this State shall equip every double track passenger car of thirty-seven (37) feet and more in length over all, or weighing thirty-five thousand (35,000) pounds or more, purchased, built or rebuilt hereafter, with power brakes capable of bringing such car to a stop within a reasonable distance together with equipment for sanding the rails of any street railway which brake and sand equipment shall be controlled and operated by the motorman on said car.

Sec. 2. Any violation of this section shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each day every such car is operated in violation hereof.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Balkema, Fitchpatrick, Gilliland, Van Law, Whipple,
—5.

The nays were:

Senators Adams, Allen of Van Buren, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Foley, Hammill, Hoyt, McManus, Mattes, Moon, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Taylor, White, Wilson—26.

Absent or not voting:

Senators Allen of Pocahontas, Bennett, De Armand, De Wolf Francis, Frudden, Gates, Hunter, Larrabee, McCulloch, Maytag, Nichols, Parshall, Peterson, Sammis, Seeley, Stuckslager, Whiting—18.

So the House amendments having failed to receive a constitutional majority, it was declared that the Senate refuses to concur in the House amendments.

Senate File No. 394, a bill for an act to legalize the action of the Independent School District of Marcus, Cherokee County, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

Passed on file.

House File No. 534, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Forty (2540), Twenty-five Hundred Forty-a (2540-a), Twenty-five Hundred and Fifty-one (2551), Twenty-five Hundred and Fifty-two (2552), and Twenty-five Hundred and Fifty-six (2556), of the Supplement to the Code, 1907, and Sections Twenty-five Hundred Forty-four (2544), Twenty-five Hundred Fifty-four (2554), Twenty-five Hundred Fifty-five (2555), Twenty-five Hundred Fifty-nine (2559), and Twenty-five Hundred Sixty-two (2562), of the Code, relating to the protection of fish and regulating the shipment of game within the state; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

Senator Francis moved that the Senate recede from the following amendments to the bill:

Amend Sub-division three of Section One of the bill by substituting a period for the comma following the word "state" in line six as printed in the House Journal; and by striking out the words "together with the statement" in line ten thereof and inserting in lieu thereof the word "and."

Also amend the bill by striking out sub-division eight (8) of Section One.

Also amend the bill by striking out sub-division nine (9) of Section One (1).

On the question, "Shall the Senate recede from its amendments to the bill?"

The ayes were:

Senators De Armand, Francis, Hoyt—3.

The nays were:

Senators Adams, Allen of Van Buren, Balkema, Brown, Cosson, Dowell, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Mattes, Nichols, Peterson, Proudfoot, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stucklager, Taylor, Whipple, White—27.

Absent or not voting:

Senator Allen of Pocahontas, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Wolf, Foley, Frudden, McManus, Maytag, Moon, Parshall, Quigley, Ream, Van Law, Whiting, Wilson—19.

So the Senate refuses to recede from its amendments.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 285, a bill for an act to amend the law as it appears in Section thirteen hundred and six-e (1306-e) of the Supplement to the Code, 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds.

Also:

Senate File No. 373, a bill for an act to amend section ten hundred fifty-six-a-9 (1056-a-9) of the "Supplement to the Code, 1907," relating to the publication of the State Auditor's report of municipal accounts.

Also:

Senate File No. 395, a bill for an act to legalize certain notices of incorporation.

Also:

Senate File No. 281, a bill for an act to amend the law as it appears in Section two thousand eight hundred six (2806) of the Supplement to the Code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

Also:

Senate File No. 419, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.

Also:

Senate File No. 420, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal School and providing for the expenditure thereof.

Also:

Senate File No. 417, a bill for an act to amend Section one (1) of Chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.

HENRY L. ADAMS.

Chairman.

Adopted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 281, 419, 395, 285, 373, 417 and 420.

Senator Maytag moved that the Senate be now adjourned.

Carried.

Senate adjourned until 7:30 o'clock P. M.

NIGHT SESSION.

Senate met pursuant to adjournment at 7:30 o'clock, P. M., President pro tem Smith presiding.

Senator Hammill, 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 for pardon of Johnn Penney, a convict now confined at Fort Madison, Iowa, under life sentence from the

district court of Emmet County, Iowa, for murder in the first degree, beg leave to report 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 application for pardon be denied.

JOHN HAMMILL.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Hammill, House Joint Resolution No. 6, authorizing and recommending pardon or parole of C. H. Woodward, now confined at Fort Madison, Iowa, was taken up and considered.

The Joint Resolution was read for information.

Senator Hammill moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Adams, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Stueckslager, Van Law, Whipple, Wilson—34.

The nays were:

Senator Mattes—1.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Dowell, McManus, Mattes, Maytag, Parshall, Savage, Seeley, Smith of Des Moines, Taylor, White, Whiting—14.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator De Armand, Senate File No. 426, a bill for an act to amend the law as it appears in Section 2593 of the Supplement to the Code, 1907, relating to the sale of poisons, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator De Armand moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith, of Mitchell, Stuckslager, Van Law, Whipple, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Dowell, McManus, Moon, Parshall, Sammis, Seeley, Smith of Des Moines, Taylor, White, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis, Senate File No. 427, a bill for an act to amend the law as it appears in Section 191-i of the Supplement to the Code, 1907, relating to special assessments for sidewalk and street improvements in cities and towns, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Peterson, Proudfoot, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Wilson—35.

The nays were:

None.

Absent or not voting:

Senator Allen of Pocahontas, Allen of Van Buren, Dowell, McManus, Maytag, Parshall, Quigley, Sammis, Seeley, Smith of Des Moines, Taylor, Whipple, White, Whiting—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 Hoyt, House File No. 408, a bill for an act to prevent diseases among bees and to provide for inspection thereof, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Hoyt moved that the rules 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 ayes were:

Senators Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Nichols, Parshall, Peterson, Proudfoot, Saunders, Smith of Mitchell, Van Law, Whipple, Wilson—28.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Dowell, Foley, Gilliland, McManus, Maytag, Moon, Quigley, Ream, Sammis, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, White, Whiting—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Chapman, House File No. 359, a bill for an act to amend Section Twenty-five Hundred Eighty-two (2582) of the Supplement to the Code, relative to the practice of medicine,

and providing for the issuance of temporary permits, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Chapman moved that the rules be suspended, and 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 ayes were:

Senators Adams, Brown, Bruce, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Moon, Nichols, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Van Law, Whipple, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, McManus, Maytag, Peterson, Sammis, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whiting—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Mattes House File No. 448, a bill for an act to amend Section Thirteen Hundred Four (1304) of the Supplement to the Code, 1907, in relation to the classes of property exempt from the assessment of taxes, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—37.

The nays were:

Senator Hammill—1.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Cosson, De Wolf, Dowell, McCulloch, Sammis, Seeley, Smith of Des Moines, Taylor, Whiting—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Francis Senate File No. 429, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14) of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal, was taken up and considered.

Senator Francis moved that the rules be suspended, the bill be considered engrossed, and read a third time now, which motion prevailed, and the bill was a read a third time.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Van Law, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Van Buren, Dowell, McManus, Parshall, Sammis, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, Whiting—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senators Saunders from the Sifting Committee presented House File No. 507, a bill for an act to amend the law as it appears in Section Twenty-eight Hundred Twelve-e (2812-e) of the Supplement to the Code, 1907, relating to the duration of school bonds, which was taken up and considered.

Senator Dowell moved that the rules 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 ayes were:

Senators Adams, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Savage, Smith of Mitchell, Van Law, Whipple, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, McManus, Mattes, Maytag, Sammis, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whiting—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Clark, House File No. 377, a bill for an act to amend the law as it appears in Section Twenty-five Hundred five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products, with report of committee recommending passage, was taken up, considered and the report of committee adopted.

The bill was read for information.

Senator Clark moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, Maytag, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Hoyt, McManus, Mattes, Maytag, Moon, Sammis, Savage Seeley, Smith of Des Moines, Taylor, Whiting—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senators Saunders from the Sifting Committee presented House File No. 305, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-eight (298) of the Supplement to the Code, 1907, relating to compensation of Clerks of the District Court and their deputies, which was taken up and considered.

Senator Dowell moved that the rules 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 ayes were:

Senators Adams, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Van Law, Whipple, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Brown, McManus, Sammis, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whiting—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Mattes House File No. 494, a bill for an act to amend Section Twenty-eight Hundred and Twenty-three-p (2823-p) of the Supplement to the Code, 1907, relating to furnishing a list of books suitable for use in school district libraries, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Balkeima, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—39.

The ayes were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Gilliland, McManus, Ream, Sammis, Seeley, Smith of Des Moines, Taylor, Whiting—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders, from the Sifting Committee, presented Senate File No. 428, a bill for an act to increase the support funds of the State Hospitals in which insane patients are kept, which was taken up and considered.

The bill was read for information.

Senator Gates moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, McManus, Nichols, Sammis, Seeley, Smith of Des Moines, Taylor, Whiting—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders, from the Sifting Committee, presented House File No. 439, a bill for an act to amend Section Eleven Hundred Forty-three (1143) of the Code, relating to destruction of ballots, which was taken up and considered.

The bill was read for information.

Senator Nichols moved that the rules be suspended, 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 ayes were:

Senators Adams, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Dowell, Larrabee, Maytag, McManus, Sammis, Seeley, Smith of Des Moines, Taylor, Whiting—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders, from the Sifting Committee, presented House File No. 539, a bill for an act to legalize the election in the incorporated town of Weldon, Decatur County, Iowa, which was taken up and considered.

Senator Saunders moved that the rules be suspended, 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 ayes were:

Senators Adams, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, Whipple, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Fitchpatrick, McManus, Sammis, Seeley, Smith of Des Moines, Taylor, White, Whiting—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders, from the Sifting Committee, presented House File No. 488, a bill for an act to repeal Section Two Thousand and Seventy-seven-a (2077-a) of the Supplement to the Code, 1907, relative to the posting of bulletins in passenger stations, and to enact a substitute therefor, which was taken up and considered.

The bill was read for information.

Senator Saunders moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Nichols, Parshall, Peterson, Proudfoot, Quigley, Smith of Mitchell, Van Law, Whipple, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Dowell, McManus, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whiting—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Journal of yesterday was taken up, corrected and approved.

Senator Clarkson occupying seat No. 11 asked unanimous consent to exchange seats with Senator Clark occupying seat No. 35, Senator Clarkson to occupy seat No. 35 and Senator Clark to occupy seat No. 11.

Consent granted.

Senator Francis occupying seat No. 9 asked unanimous consent to exchange seats with Senator Clark occupying seat No. 11, Senator Francis to occupy seat No. 11, and Senator Clark to occupy seat No. 9.

Consent granted.

Senator Chapman occupying seat No. 7 asked unanimous consent to exchange seats with Senator Nichols occupying seat No.

15, Senator Chapman to occupy seat No. 15 and Senator Nichols to occupy seat No. 7.

Consent granted.

Senator Bennett occupying seat No. 13 asked unanimous consent to exchange seats with Senator Burgess occupying seat No. 21, Senator Burgess to occupy seat No. 13 and Senator Bennett to occupy seat No. 21.

Consent granted.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until 9:00 o'clock A. M. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, APRIL 9, 1909.

Senate meet in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by the Rev. W. Dieffenbach of Newton, Iowa.

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. 549, a bill for an act to repeal Section nineteen hundred fifty-five (1955) and nineteen hundred fifty-six (1956) of the Code and to enact substitutes therefor, and to amend Section nineteen hundred fifty-nine (1959) of the Code, all relating to the construction of levees, ditches or drains, by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.

C. R. BENEDICT,
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. 161, a bill for an act to amend Chapter one hundred twenty (120) of the laws of the Twenty-sixth General Assembly (26th G. A.) by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000) to aid therein, and providing for a guard over said dam at certain periods.

C. R. BENEDICT,
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. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield in the county of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

C. R. BENEDICT,

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 184, a bill for an act repealing Sections sixteen hundred and ten (1610), sixteen hundred and twelve (1612), sixteen hundred and eighteen (1618) and sixteen hundred and forty-one-d (1641-d) of the Supplement to the Code, 1907; also Sections sixteen hundred and fifteen (1615) and sixteen hundred and thirty-seven (1637) of the Code, and enacting substitutes therefor; also repealing Section sixteen hundred and eighteen-b (1618-b) of the Supplement to the Code, 1907; all in relation to corporations for pecuniary profit.

C. R. BENEDICT,

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution No. 4, providing for the appointment of a joint committee of the Senate and House to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the State, and providing for the report of said committee to the next General Assembly, and for the payment of the expenses of such investigation and defining the powers of the committee.

C. R. BENEDICT,

Chief Clerk.

HOUSE MESSAGES CONSIDERED.

House File No. 549, a bill for an act to repeal Section Nineteen Hundred Fifty-five (1955) and Nineteen Hundred Fifty-six (1956) of the Code and to enact substitutes therefor, and to amend Section Nineteen Hundred Fifty-nine (1959) of the Code, all relating to the construction of levees, ditches or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of

others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.

Read first and second time and referred to Sifting Committee.

Senate File No. 161, a bill for an act to amend Chapter One Hundred Twenty (120) of the Laws of the Twenty-sixth General Assembly (26th G. A.), by making it the duty of Dickinson County to maintain the dam in said act provided for, and granting an appropriation of One Thousand Dollars (\$1,000) to aid therein, and providing for a guard over said dam at certain periods.

Passed on file.

Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

Passed on file.

Senate File No. 184, a bill for an act repealing Sections Sixteen Hundred and Ten (1610), Sixteen Hundred and Twelve (1612), Sixteen Hundred and Eighteen (1618), and Sixteen Hundred and Forty-one-d (1641-d) of the Supplement to the Code, 1907; also, Sections Sixteen Hundred and Fifteen (1615) and Sixteen Hundred and Thirty-seven (1637) of the Code, and enacting substitutes therefor; also repealing Section Sixteen Hundred and Eighteen-b (1618-b) of the Supplement to the Code, 1907, all in relation to corporations for pecuniary profit.

Passed on file.

Senate Joint Resolution No. 4, joint resolution providing for the appointment of a Joint Committee of the Senate and House to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the state, and providing for the report of said committee to the next General Assembly, and for the payment of the expenses of such investigation and defining the powers of the committee.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Francis, House File No. 93, a bill for an act to amend the law as it appears in Section Five Thousand Two Hundred Eighty-nine (5289) of the Code, by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments be waived if not made before swearing the jury on the trial of the case, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

Senator Francis offered the following amendment and moved its adoption.

I move to amend House File No. 93 by inserting between the words "indictment" and "which" in line one of paragraph 9, the words "relating to matters of substance and form."

Adopted.

Senator Francis moved that the rules 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Hammill, Hunter, McCulloch, McManus, Moon, Nichols, Parshall, Peterson, Ream, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting, Wilson—33.

The nays were:

Senators Allen of Van Buren, Bruce, Proudfoot, Sammis, Taylor, White—6.

Absent or not voting:

Senators Brown, Dowell, Gates, Gilliland, Hoyt, Larrabee, Mattes, Maytag, Quigley, Savage—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that the Senate go into Executive Session.

Carried.

Senate went into Executive Session.

On motion the Senate refused to advise and consent to the appointment of the Hon. F. F. Jones as a member of the Board of Control of State Institutions for the term beginning April, 1910.

On motion the Senate arose from Executive Session.

Senate resumed regular session.

Senator Van Law occupying seat No. 8 asked unanimous consent to exchange seats with Senator Whipple occupying seat No. 40, Senator Van Law to occupy seat No. 40 and Senator Whipple to occupy seat No. 8.

Consent granted.

Senator Gilliland from the Committee on Cities and Towns returned to the Senate, House File No. 378.

Senator Peterson, from the Committee on Elections returned to the Senate, House File No. 346.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 358, a bill for an act prohibiting the giving of immoral plays exhibitions, and entertainments, and the use and leasing of real property therefor, and providing a penalty for the violation thereof.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists upon its amendments to the following bill in which the concurrence of the House was asked:

Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation

thereof and asks for a conference and the Speaker names as Conference Committee on part of House.

Sullivan, Hackler, Harding and Moore of Linn.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 418, a bill for an act providing for the removal of appointive State officials, members of boards, members of commissions, commissioners and persons appointed by the same; prohibiting political influence and contributions by them and providing a penalty therefor.

C. R. BENEDICT,
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. 251, a bill for an act to amend the law as it appears in sub-division four (4) of Section one hundred thirty-eight (138) of the Supplement to the Code, 1907, and Section one hundred thirty-nine (139) of the Code, relating to printing.

C. R. BENEDICT,
Chief Clerk.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 263, a bill for an act to repeal Section sixteen hundred ninety-nine (1699) of the Code, relating to the investment of funds of insurance companies other than life, organized under Chapter four (4), Title nine (9) of the Code and to enact a substitute therefor.

Also:

House File No. 292, a bill for an act to repeal Section two thousand nine hundred forty-two-j (2942-j) of the Supplement to the Code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor.

Also:

House File No. 406, a bill for an act to amend Section twenty-eight hundred twenty-three-a (2823-a), Supplement to the Code, 1907, relating to the duties of parents or guardians.

Also:

House File No. 495, a bill for an act to amend the law as it appears in sections nineteen hundred eighty-nine-a2 (1989-a2), nineteen hundred eighty-nine-a4 (1989-a4), nineteen hundred eighty-nine-a5 (1989-a5), nineteen hundred eighty-nine-a6 (1989-a6), nineteen hundred eighty-nine-a7 (1989-a7), nineteen hundred eighty-nine-a8 (1989-a8), nineteen hundred eighty-nine-a10 (1989-a10), nineteen hundred eighty-nine-a12 (1989-a12), nineteen hundred eighty-nine-a13 (1989-a13), nineteen hundred eighty-nine-a14 (1989-a14), nineteen hundred eighty-nine-a16 (1989-a16), nineteen hundred eighty-nine-a18 (1989-a18), nineteen hundred eighty-nine-a21 (1989-a21), nineteen hundred eighty-nine-a22 (1989-a22), nineteen hundred eighty-nine-a29 (1989-a29), nineteen hundred eighty-nine-a32 (1989-a32), nineteen hundred eighty-nine-a35 (1989-a35), nineteen hundred eighty-nine-a44 (1989-a44) of the Supplement to the Code, 1907, and to repeal Sections nineteen hundred eighty-nine-a3 (1989-a3), nineteen hundred eighty-nine-a11 (1989-a11) and nineteen hundred eighty-nine-a19 (1989-a19) of the Supplement to the Code, 1907, and enact substitutes therefor; and to enact sections of law additional to Chapter two-a of Title ten (10) of the Supplement to the Code, 1907. All relating to the subject of waters, water courses, levees, drains, and drainage districts.

Also:

House File No. 537, a bill for an act repealing Sections one hundred sixty-two (162) of the Code and one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the Supplement to the Code, 1907, defining the character of vouchers upon which warrants shall be drawn by the Auditor of State upon the state treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the Executive Council.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.**INTRODUCTION OF BILLS.**

By Committee on Appropriations, Senate Joint Resolution No. 7:

SENATE JOINT RESOLUTION

Approving Estimates of Cost, Plans and Specifications for Completion of Buildings, and Erection of New Buildings at the State University.

Joint Resolution Approving Estimates of Cost, Plans and Specifications for the Erection of Addition to the Physics Building, Wing to the Hospital, and Engineering Shops, and Authorizing the Erection of Said Buildings.

Whereas, The Board of Regents of the State University has submitted to the Thirty-third General Assembly of the State of Iowa

estimates of cost, plans and specifications for erection of addition to the physics building, wing to the hospital, and engineering shops to be completed and erected under the provision of Chapter one hundred and eighty-three (183) of the Acts of the Thirty-first General Assembly; and,

Whereas, Said estimates of cost, plans and specifications are in every way proper and suitable, therefore

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That the plans and specifications for the erection of addition to the physics building at a cost not to exceed sixty-five thousand (\$65,000.00) dollars, erection of a wing to the hospital at a cost not to exceed seventy-five thousand (\$75,000.00) dollars, and the erection of engineering shops at a cost not to exceed twenty thousand (\$20,000.00) dollars, submitted to the General Assembly of Iowa for approval, are hereby approved.

The Board of Regents shall not take any steps whatever in reference to the letting of contracts and erection of buildings authorized by this resolution, other than those that can be completed from the millage tax of 1908 and collected during the year 1909, and the State Board of Education is hereby authorized to determine the order in which it will erect the buildings over which it shall exercise authority. It may change the plans so as to reduce the cost of erecting of any of said buildings and may withhold the construction of any if it shall deem it advisable.

Read first and second time and passed on file.

THIRD READING OF BILLS.

On motion of Senator Maytag, Senate Joint Resolution No. 7, approving estimates of cost, plans and specifications for completion of buildings and erection of new buildings at the State University, was taken up and considered.

Senator Maytag moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

The Joint Resolution was read for information.

Senator Maytag moved that the rules be suspended, the Joint Resolution be considered engrossed, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were

Senator Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Ream, Sammis, Saunders, Savage, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Brown, Cosson, Parshall, Quigley, Seeley, Smith of Mitchell, Whiting—7.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 512, a bill for an act to provide for the appropriation of moneys to the Farmers' Institutes of Cherokee and Palo Alto counties and to the Franklin Agricultural Society, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 524, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests from the Tenth (10) Representative district of Iowa, the Twenty-sixth (26) Representative district of Iowa, the Forty-fifth (45) Representative district of Iowa, the Fifty-ninth (59) Representative district of Iowa and the Sixty-seventh (67) Representative district of Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 3, a bill for an act to create a Legislative Commission, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. L. MAYTAG,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Maytag, House File No. 524, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth (10th) representative district of Iowa, the twenty-sixth (26th) representative district of Iowa, the forty-five (45th) representative district of Iowa, and the sixty-seventh (67th) representative district of Iowa and to pay sundry persons for services, mileage and other expenses incurred in connection with said election contests, with report of committee recommending passage, was taken up, considered, and the report of committee adopted.

The bill was read for information.

Senator Maytag moved that the rules be suspended, and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Nichols, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—42.

The nays were:

None.

Absent or not voting:

Senators Brown, Bruce, Gates, McCulloch, Parshall. Sammis, Taylor—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 amended and passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government.

C. R. BENEDICT,
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. 404, a bill for an act providing for the inside finishing and completion of the Historical, Memorial and Art Building, and making appropriation therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 405, a bill for an act creating the Capitol Grounds Improvement Commission and defining its duties and making appropriation therefor.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

Senate File No. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments, and the use and leasing of real property therefor and providing a penalty for the violation thereof.

Passed on file.

Senate File No. 418, a bill for an act providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same; pro-

hibiting political influence and contributions by them and providing a penalty therefor.

Passed on file.

Senate File No. 251, a bill for an act to amend the law as it appears in Sub-division Four (4), of Section One Hundred Thirty-eight (138) of the Supplement to the Code, 1907, and Section One Hundred Thirty-nine (139) of the Code, relating to printing.

Passed on file.

Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this state to equip certain cars with brakes and appliances for the control of the same, and providing a penalty for the violation thereof.

Passed on file.

Senator Dowell moved that a Conference Committee be appointed on Senate File No. 212.

Carried.

The President announced as Conference Committee on part of Senate on Senate File No. 212: Senators Dowell, Hunter, De Armand and Moon.

THIRD READING OF BILLS.

Senator Saunders, from the Sifting Committee, presented Senate File No. 430, a bill for an act to amend Section Twelve (12) of the Code, relative to compensation of members of the General Assembly, which was taken up and considered.

Senator Bruce moved to lay the bill on the table.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Brown, Bruce, Dowell, Fitchpatrick, Hammill, Larrabee, McCulloch, Mattes, Maytag, Nichols, Seeley, Van Law—12.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gates, Gilliland, Hoyt, Hunter, Moon,

Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Whiting—31.

Absent or not voting:

Senators Adams, Balkema, McManus, Parshall, Ream, Wilson—6.

So the motion was lost.

Senator Bruce moved the previous question on the bill.

Carried.

Senator Saunders moved that the rule be suspended, 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 ayes were:

Senators Allen of Pocahontas, Bennett, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McManus, moon, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Des Moines, Smith of Mitchell, Stuckslager, Whipple, White, Whiting—31.

The nays were:

Senators Adams, Brown, Bruce, Dowell, Fitchpatrick, Larrabee, McCulloch, Mattes, Maytag, Nichols, Ream, Seeley, Van Law—13.

Absent or not voting:

Senators Allen of Van Buren, Balkema, Parshall, Taylor, Wilson—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 Smith of Mitchell, Senate File No. 184, a bill for an act repealing Sections Sixteen Hundred and ten (1610), Sixteen Hundred and Twelve (1612), Sixteen Hundred and Eighteen (1618) and Sixteen Hundred and Forty-one-d (1641-d) of the Supplement to the Code, 1907; also, Sections Sixteen Hundred and Fifteen (1615) and Sixteen Hundred and Thirty-seven (1637)

of the Code, and enacting substitutes therefor; also repealing Section Sixteen Hundred and Eighteen-b (1618-b) of the Supplement to the Code, 1907; all in relation to corporations for pecuniary profit was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendment:

By striking out the title and substituting the following therefor:

“A bill for an act to repeal Section Sixteen Hundred Fifteen (1615) of the Code, Section Sixteen Hundred Ten (1610), Sixteen Hundred Eighteen (1618) and Sixteen hundred forty-one-d (1641-d) of the Supplement to the Code, 1907, and enact substitutes therefor; to amend Section Sixteen Hundred Thirty-seven (1637) of the Code, and Sixteen Hundred Twelve (1612) of the Supplement to the Code, 1907, to repeal Section Sixteen Hundred Eighteen-b (1618-b), of the Supplement to the Code, 1907, relating to corporations for pecuniary profit.

On the question, “Shall the Senate concur in the House amendment?”

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Bennett, Brown, Chapman, Clarkson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Mattes, Moon, Nichols, Peterson, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, White—35.

The nays were:

Senators Bruce, Proudfoot, Taylor—3.

Absent or not voting:

Senators Balkema, Burgess, Clark, Cosson, De Wolf, Dowell, Maytag, Parshall Whipple, Whiting, Wilson—11.

So the House amendment having received a constitutional majority was declared concurred in.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 379, a bill for an act to amend the law as it appears in Section five thousand seven hundred eighteen-a-eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the house concurs in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 534, a bill for an act to amend the law as it appears in Section twenty-five hundred and forty (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred and fifty-one (2551), twenty-five hundred and fifty-two (2552), and twenty-five hundred fifty-six (2556) of the Supplement to the Code, 1907; and Sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), twenty-five hundred fifty-five (2555), twenty-five hundred fifty-nine (2559) and twenty-five hundred sixty-two (2562) of the Code, relating to the protection of fish and regulating the shipment of game within the State; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Stuckslager, House File No. 485, a bill for an act to repeal Section Eighteen Hundred Seventy-five (1875) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and banking, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Stuckslager offered the following amendment and moved its adoption:

Amend Section One (1) by striking out of the last line thereof, the words "and one stenographer at an annual salary of nine hundred dollars (\$900)."

Senator Fitchpatrick offered the following substitute amendment and moved its adoption:

I move as a substitute to amend House File No. 485 by striking out all of Section One (1) following the period in the 36th line of said section as it appears in the original bill.

Senator Van Law moved that the further consideration of the bill be postponed until 11:45 o'clock.

Carried.

On motion of Senator Francis, House Joint Resolution No. 9, petitioning congress to call a convention for the purpose of amending the constitution, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The Joint Resolution was read for information.

Senator Francis moved that the rule be suspended, and the Joint Resolution be read a third time now, which motion prevailed, and the Joint Resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hunter, Larrabee, McManus, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Sammis, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White, Whiting, Wilson—34.

The nays were:

Senators Gilliland, Hoyt, Proudfoot, Saunders, Savage, Whipple—6.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Bruce, Hammill, McCulloch, Nichols, Seeley, Stuckslager—9.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGES CONSIDERED.

Senate File No. 379, a bill for an act to amend the law as it appears in Section Five Thousand Seven Hundred Eighteen-a-

eighteen (5718-a-18) of the Supplement to the Code, 1907, relating to the power of the Board of Parole to establish rules and regulations governing paroles.

Passed on file.

House File No. 534, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Forty (2540), Twenty-five Hundred Forty-a (2540-a), Twenty-five Hundred and Fifty-one (2551), Twenty-five Hundred and Fifty-two (2552) and Twenty-five Hundred Fifty-six (2556), of the Supplement to the Code, 1907, and Sections Twenty-five Hundred Forty-four (2544) Twenty-five Hundred Fifty-four (2554), Twenty-five Hundred Fifty-five (2555), Twenty-five Hundred Fifty-nine (2559) and Twenty-five Hundred Sixty-two (2562) of the Code, relating to the protection of fish and regulating the shipment of game within the state; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

Passed on file.

Senate File No. 404, a bill for an act providing for the inside finishing and completion of the Historical, Memorial and Art Building, and making an appropriation therefor.

Passed on file.

Senate File No. 405, a bill for an act creating the Capitol Grounds Improvement Commission and defining its duties and making an appropriation therefor.

Passed on file.

Senate Joint Resolution No. 6, Joint Resolution fixing the number and compensation of employes in the department of state at the seat of government.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 6, Joint Resolution fixing the number and compensation of employes in the department of state at the seat of government, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendment:

Amend by adding to the sub-division: "for the office of Auditor of State" the following: "one additional clerk at a salary of \$1,200.00."

Also amend sub-division "for the executive council" by striking out the figures "\$2,000" in first item thereof and inserting the figures "\$1,800.00" in lieu thereof.

On the question, Shall the Senate concur in the House amendments?"

The ayes were:

None.

The nays were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Mattes, Moon, Peterson, Proudfoot, Quigley, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—38.

Absent or not voting:

Senators Adams, De Armand, De Wolf, Larrabee, McCulloch, McManus, Maytag, Nichols, Parshall, Ream, Taylor—11.

So the House amendments having failed to receive a constitutional majority, it was declared that the Senate refuses to concur in the House amendments.

On motion of Senator White, Senate File No. 432, a bill for an act appropriating two hundred (\$200) dollars to the Williamsburg Fair Association under the provisions of Section One Thousand Six Hundred Sixty-one-a (1661-a) of the Supplement to the Code, 1907, was taken up and considered.

Senator White moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Moon, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Adams, Brown, Burgess, Cosson, Dowell, McCulloch, Mattes, Maytag, Nichols, Parshall, Peterson, Smith of Des Moines, Van Law—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Dowell, from the Conference Committee on Senate File No. 212, submitted the following report:

MR. PRESIDENT—Your Conference Committee on Substitute for Senate File No. 212 entitled, "a bill for an act to require every person, company, or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof," report that they have had the same under consideration and beg leave to submit the following report:

We recommend that the Senate recede from its position, and that the House amendment be amended as follows:

Amend Section 1 by adding after the word "brakes" at the end of the fifth line thereof, the words "other than hand" and when so amended the same be adopted.

Respectfully submitted,

C. C. DOWELL,
ROBERT HUNTER,
J. A. DE ARMAND,
E. G. MOON,

Conference Committee on the part of the Senate.

W. L. HARDING,
ERNEST R. MOORE,
JOHN B. SULLIVAN,
C. W. HACKLER,

Conference Committee on the part of the House.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Dowell, Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof, was taken up and considered.

Senator Dowell moved that the Senate recede from its non-concurrence in the House amendments and adopt the following amendment to the House amendment, as recommended by the Conference Committee:

Amend Section 1 by adding after the word "brakes" at the end of the fifth line thereof, the words: "other than hand."

On the question, "Shall the Senate recede and adopt the amendment recommended by the Conference Committee and concur in the House amendments when so amended?"

The ayes were:

Senators Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Mattes, Maytag, Peterson, Proudfoot, Ream, Sammis, Saunders, Smith of Des Moines, Stuckslager, Taylor, Whipple, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Brown, Francis, McCulloch, Moon, Nichols, Parshall, Quigley, Savage, Seeley, Smith of Mitchell, Van Law, White—14.

So the Senate receded from its non-concurrence in the House amendments and adopted the amendment as recommended by the Conference Committee and concurred in the House amendments as amended.

The bill as amended was read for information.

Senator Dowell moved that the rules be suspended and the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Gilliland, Hoyt, Hunter, Larrabee, Maytag, Peterson, Quigley, Ream, Saunders, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Brown, Frud-den, Gates, Hammill, McCulloch, McManus, Mattes, Moon, Nichols, Parshall, Proudfoot, Sammis, Savage, Smith of Mitchell—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its 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 House was asked:

Senate File No. 350, a bill for an act to prevent placing obstructions on the streets and highways and providing a penalty therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same.

C. R. BENEDICT,
Chief Clerk.

Also :

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 430, a bill for an act to amend Section twelve (12) of the Code, relative to the compensation of members of the General Assembly.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Whipple, Senate File No. 418, a bill for an act providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendments:

Amend Section 1 by inserting after the word "parole" in the fourth line of the printed bill the following: "dairy commissioner, custodian of public buildings and property, state veterinary surgeon, inspectors of products of petroleum, members of state board of veterinary medical examiners, inspectors of passenger boats, members of the board of optometry examiners."

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Balkema, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wölf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, White, Whiting, Wilson—40.

The nays were:

None.

Absent or not voting:

Senators Adams, Bennett, Bruce, Dowell, Gilliland, Mattes, Nichols, Parshall, Savage—9.

So the House amendments having received a constitutional majority were declared concurred in.

REPORT OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your committee on Appropriations, to whom was referred Senate File No. 155, a bill for an act to appropriate one thousand dollars (\$1,000.00) to assist in the erection of a monument to the unknown soldiers buried in the National cemetery at Keokuk, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended by adopting the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 155.

A Bill for an Act to Make an Appropriation to Assist in the Erection of a Monument to the Soldiers Buried in the National Cemetery at Keokuk, Iowa.

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 State treasury, not otherwise appropriated, the sum of seven hundred fifty (\$750.00) dollars to assist in the erection of a soldiers' monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa.

SEC. 2. Said money to be expended under the direction of the Executive Council, provided, however, that said Executive Council shall not expend in the erection of said monument a sum in excess of the amount of the popular subscription made for the erection of said monument, and in no event shall said Executive Council expend to exceed seven hundred fifty (\$750.00) dollars.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

F. L. MAYTAG,
Chairman.

Substitute was read first and second time and passed on file.

THIRD READING OF BILLS.

On motion of Senator McManus, Senate File No. 155, a bill for an act to appropriate one thousand dollars (\$1,000.00) to assist in the erection of a monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa, with report of committee

recommending substitute and passage, was taken up and considered, and the report of the committee adopted.

The substitute was read for information.

Senator Maytag moved that the rule by which no bill shall be read a second and third time on the same day, be suspended.

Carried.

Senator Mattes offered the following amendment and moved its adoption:

Amend Section 1 by striking out the words and figures "seven hundred fifty (\$750) as they appear in line three and insert the following in lieu thereof: "one thousand (\$1,000.00) dollars."

Also amend by striking out the words: "the amount of the" as they appear in the fourth line of Section 2 and insert in lieu thereof the words: "one thousand dollars (\$1,000.00) additional to the."

Also amend by striking out the words and figures "seven hundred fifty (\$750.00)" as they appear in the sixth line of Section 2 and insert in lieu thereof the words and figures "one thousand (\$1,000.00) dollars."

Adopted.

Senator McManus moved that the substitute as amended be substituted for the original bill.

Carried.

Senator McManus moved that the rule be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, McManus, Peterson, Proudfoot, Quigley, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, White, Whiting, Wilson—34.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, Dowell, Frud-
den, Hammill, Mattes, Maytag, Moon, Nichols, Parshall, Ream,
Sammis, Smith of Mitchell, Van Law—15.

So the bill having received a constitutional majority was de-
clared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 338, a bill for
an act to amend the law as it appears in Section Ten Hundred
Sixty (1060) of the Supplement to the Code, 1907, relating to the
time of the commencement of the term of officers chosen at a gen-
eral election, was taken up and considered.

Senator Saunders moved that the Senate concur in the following
House amendment:

Amend Section 1 by striking out the fifth word in the third line
thereof, it being the word "first" and substituting therefor the
word "second."

On the question, "Shall the Senate concur in the House amend-
ment?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Brown, Bruce, Burgess,
Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick,
Foley, Gilliland, Hoyt, Hunter, McCulloch, Parshall, Peterson,
Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Des
Moines, Stuckslager, Taylor, Van Law, Whipple, White, Whiting,
Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bennett, De Armand,
Francis, Frudden, Gates, Hammill, Larrabee, McManus, Mattes,
Maytag, Moon, Nichols, Sammis, Seeley, Smith of Mitchell—17.

So the House amendment having received a constitutional major-
ity was declared concurred in.

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 concurs in the following Senate substitute amendment in which the concurrence of the House was asked:

House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation engaged in the business of lumber dealing, or owning or operating lumber yards, from combining or entering into any agreement, contract, trust, or pool to fix the prices at which lumber is to be sold, to prevent the free action of competition in the buying of lumber, or the selling of lumber, and to provide punishment for the violation of this act.

C. R. BENEDICT,
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. 374, a bill for an act to amend Section one hundred and twenty-five (125) of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House insists on its amendments to the following bill, in which the concurrence of the House was asked:

Senate Joint resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government, and asks for a conference committee and the Speaker names as conference committee on part of the House Representatives Moore of Linn, Anderson and O'Connor.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Smith of Des Moines, House File No. 405, a bill for an act to amend Section Twenty-five Hundred and Seventy-five-a-thirty-one (2575-a-31) of the Supplement to the Code, and to repeal Section Twenty-five Hundred and Seventy-five-a-twenty-nine (2575-a-29), of the Supplement to the Code, relative to the qualification of nurses and enacting a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith of Des Moines 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 ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Gates, Gilliland, Hoyt, Larrabee, McCulloch, McManus, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Whipple, Whiting, Wilson—35.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bennett, Cosson, Dowell, Frud-den, Hammill, Hunter, Mattes, Nichols, Parshall, Sammis, Smith of Mitchell, Van Law, White—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGE CONSIDERED.

Senate Joint Resolution No. 6, fixing the number and compensation of employes in the department of state at the seat of government.

Passed on file.

The President announced as Conference Committee on part of the Senate on Senate Joint Resolution No. 6: Senators Smith of Mitchell, Maytag and Dowell.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 9, a bill for an act to repeal Section three thousand three hundred and seven (3307) of Supplement to the Code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor.

Also:

House File No. 54, a bill for an act to amend Section two thousand one hundred nineteen (2119) of the Code, relating to the enforcement of the rules, orders and regulations of the Board of Railway Commissioners and to provide for the time when said rules, orders or regulations shall take effect.

Also:

House File No. 111, a bill for an act to amend Sections three thousand five hundred five (3505), three thousand five hundred seven (3507), three sand five hundred eleven (3511), of the Code, and Section four thousand sand four hundred eighty-one (4481) of the Supplement to the Code, 1907, all relating to the place of trial of actions.

Also:

House File No. 440, a bill for an act to amend Section two hundred sixty (260) of the Code relative to Superior Courts.

Also:

House File No. 377, a bill for an act to amend the law as it appears in Section twenty-five hundred five (2505) of the Supplement to the Code, 1907, relating to the inspection of petroleum products.

Also:

House File No. 408, a bill for an act to prevent disease among bees and provide for inspection thereof.

Also:

House File No. 439, a bill for an act to amend Section eleven hundred forty-three (1143) of the Code relating to destruction of ballots.

Also:

House File No. 494, a bill for an act to amend Section two thousand eight hundred twenty-three-p (2823-p) of the Supplement to the Code, 1907, relating to furnishing a list of books suitable for use in school district libraries.

Also:

House File No. 359, a bill for an act to amend Section twenty-five hundred eighty-two (2582) of the Supplement to the Code, relative to the practice of medicine and providing for the issuance of temporary permits.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

Senator Saunders moved that the Senate take a recess of 45 minutes.

Carried.

Senate took a recess.

The President called the Senate to order.

REPORTS OF COMMITTEE.

Senator Francis, 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. 236, a bill for an act to amend Sections 2563-a, 2563-c, 2563-d and 2563-g of the Supplement to the Code, 1907, relating to non-resident hunters licenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred House File No. 407, a bill for an act to amend Section two thousand five hundred and forty (2540) of the Supplement to the Code, 1907, relating to catching and shipping fish, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 549, a bill for an act to repeal Section Nineteen Hundred Fifty-five (1955) and Nineteen Hundred Fifty-six (1956) of the Code and to enact substitutes therefor, and to amend Section Nineteen Hundred Fifty-nine (1959) of the Code, all relating to the construction of levees, ditches or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains, was taken up and considered.

Senator Peterson offered the following amendment and moved its adoption:

I move to amend by inserting after the word "county" and before the comma following it in the 31st line of Section One the words: "and railroad companies."

Adopted.

The bill was read for information.

Senator Saunders 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Burgess, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes, Maytag, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Stucklager, Whipple, Whiting, Wilson—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Brown, Bruce, Chapman, De Wolf, Dowell, Foley, Frudden, Larrabee, Moon, Nichols, Parrshall, Proudfoot, Sammis, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, White—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Saunders, Senate File No. 407, a bill for an act to legalize the acts of John Menz as treasurer of Lee County, by reason of deposits of county and other funds in the Commercial Bank of Keokuk, Iowa, was taken up and considered.

The bill was read for information.

Senator McManus moved that the rules be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Burgess, Chapman, Clark, De Armand, De Wolf, Fitchpatrick, Foley, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, McManus, Mattes,

Moon, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Brown, Bruce, Clarkson, Josson, Dowell, Francis, Frudden, Larrabee, Maytag, Nichols, Parshall, Peterson, Sammis, Smith of Mitchell, White—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders asked unanimous consent to take up for consideration House Concurrent Resolution, relative to the compiling and publishing of the drainage, amended primary and road laws by the Secretary of State.

Consent granted.

Senator Saunders moved that the Senate concur in the House Concurrent Resolution.

Carried.

THIRD READING OF BILLS.

Senator Saunders, from the Sifting Committee, presented House File No. 379, a bill for an act requiring incorporated cities and towns to publish the acts or proceedings of the Board of Aldermen and city and town councils, which was taken up and considered.

Senator Burgess moved that the rules 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, De Armand, Fitchpatrick, Foley, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch,

Mattes, Moon, Proudfoot, Ream, Sammis, Savage, Seeley, Stuckslager, Taylor, Van Law, Whipple—29.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Cosson, De Wolf, Dowell, Francis, Larrabee, McManus, Maytag, Nichols, Parshall, Peterson, Quigley, Saunders, Smith of Des Moines, Smith of Mitchell, White, Whiting, Wilson—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Chapman moved that Rule No. 33 be suspended until 12 o'clock.

Carried.

REPORTS OF COMMITTEES.

Senator Francis, 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. 316, a bill for an act to amend Section twenty-five hundred and forty (2540) of the Code, relative to the protection of fish, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred Senate File No. 345, a bill for an act relating to seining certain kinds of fish along the Mississippi river and other boundary waters of the State of Iowa, and providing for a licence fee therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred Senate File No. 335, a bill for an act to amend Section 2540 of the Supplement to the Code, 1907, relating to the catching of fish, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred Senate File No. 360, a bill for an act to amend Sections 2540, 2540-a, 2551, 2552, 2556 of the Supplement to the Code, 1907, and 2544, 2554, 2555 and 2562 of the Code, relating to the protection of fish and game, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Fish and Game, to whom was referred Senate File No. 249, a bill for an act relating to the protection, preservation, propagation, taking, use and transportation of fish and game, and certain harmless birds and animals, and to repeal all acts or parts of acts heretofore passed inconsistent with or contrary to the provisions hereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,
Chairman.

Adopted.

So the bill was indefinitely postponed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 380, bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure

therefor, and amending Section 722 of the Supplement to the Code, 1907.

Also:

Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof, subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5-b of Title III of the Supplement to the Code, 1907.

Also:

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property.

Also:

Senate File No. 263, a bill for an act to make appropriation for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.

Also:

Senate File No. 361, a bill for an act to amend Section three hundred thirty-five (335) of the Code, relating to the selection of persons to serve as petit and grand jurors and talesmen.

Also:

Senate File No. 386, a bill for an act to define gift enterprises and to provide a penalty for carrying on the same.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 380, bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure

therefor, and amending Section 722 of the Supplement to the Code, 1907.

Also:

Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof, subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5-b of Title III of the Supplement to the Code, 1907.

Also:

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property.

Also:

Senate File No. 263, a bill for an act to make appropriation for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.

Also:

Senate File No. 361, a bill for an act to amend Section three hundred thirty-five (335) of the Code, relating to the selection of persons to serve as petit and grand jurors and talesmen.

Also:

Senate File No. 386, a bill for an act to define gift enterprises and to provide a penalty for carrying on the same.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 403, a bill for an act making appropriation for the State University,

the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

Also:

Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor.

Also:

Senate File No. 394, a bill for an act to legalize the action of the Independent School District of Marcus, Cherokee county, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

Also:

Senate File No. 402, a bill for an act making appropriation for the construction, repair, improvement and contingent funds for the State hospitals, penitentiaries, industrial schools, sanatoriums for treatment of tuberculosis, institution for the feeble-minded, college for the blind, school for the deaf, Iowa soldiers home and Iowa soldiers' orphans' home.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 403, a bill for an act making appropriation for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

Also:

Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor.

Also:

Senate File No. 394, a bill for an act to legalize the action of the Independent School District of Marcus, Cherokee county, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

Also:

Senate File No. 402, a bill for an act making appropriation for the construction, repair, improvement and contingent funds for the State

hospitals, penitentiaries, industrial schools, sanatoriums for treatment of tuberculosis, institution for the feeble-minded, college for the blind, school for the deaf, Iowa soldiers home and Iowa soldiers' orphans' home.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 410, a bill for an act making an appropriation for the Farmers' Institute of Pocahontas county, Iowa, under the provisions of Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907.

Also:

Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections twenty-five hundred and seventy-five-a forty-eight (2575-a-48) and Section 2575-a-forty-nine (2575-a-49) of the Supplement to the Code, 1907.

Also:

Senate File No. 297, a bill for an act to amend Section 1090 of the Code, relating to the formation of election precincts.

Also:

Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for insane persons at Clarinda, Iowa.

Also:

Senate File No. 130, a bill for an act to prohibit drinking intoxicating liquors as a beverage or the use of profane and indecent language on any railway passenger car or street car in service and make the same a misdemeanor and giving the conductor of any train carrying passengers the right to refuse to permit any person intoxicated to enter any passenger car or street car in service and to eject from his train certain disorderly persons.

Also:

Senate File No. 92, a bill for an act to prohibit the use of cigarettes by minors under twenty-one years of age, and providing penalties therefor.

Also:

Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 410, a bill for an act making an appropriation for the Farmers' Institute of Pocahontas county, Iowa, under the provisions of Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907.

Also:

Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections twenty-five hundred and seventy-five-a-forty-eight (2575-a-48) and Section 2575-a-forty-nine (2575-a-49) of the Supplement to the Code, 1907.

Also:

Senate File No. 297, a bill for an act to amend Section 1090 of the Code, relating to the formation of election precincts.

Also:

Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for insane persons at Clarinda, Iowa.

Also:

Senate File No. 130, a bill for an act to prohibit drinking intoxicating liquors as a beverage or the use of profane and indecent language

on any railway passenger car or street car in service and make the same a misdemeanor and giving the conductor of any train carrying passengers the right to refuse to permit any person intoxicated to enter any passenger car or street car in service and to eject from his train certain disorderly persons.

Also:

Senate File No. 92, a bill for an act to prohibit the use of cigarettes by minors under twenty-one years of age, and providing penalties therefor.

Also:

Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

THIRD READING OF BILLS.

Senator Saunders, from the Sifting Committee presented for consideration, House File No. 178, a bill for an act defining certain public service corporations and providing for reasonable service and rates; declaring unlawful any discriminatory charges; prescribing penalties and action for reduction of rates and charges; repealing all laws in conflict herewith, which was taken up and considered.

Senator Allen of Pocahontas offered the following amendment and moved its adoption:

I move to amend Section 1 by adding at the close thereof the following: "provided, however, that nothing in this act shall be construed to prohibit making uniform special rates to newspapers and press associations."

Adopted.

The bill was read for information.

Senator Fitchpatrick moved the previous question on the bill.

Carried.

Senator Allen of Pocahontas 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 ayes were:

Senators Allen of Pocahontas, Allen of Van Buren, Bennett, Bruce, Clark, Clarkson, Cosson, De Wolf, Fitchpatrick, Gilliland, Hammill, Larrabee, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Ream, Seeley, Smith of Mitchell, Whipple, Whiting, Wilson—24.

The nays were:

Senators Balkema, Brown, Burgess, Chapman, De Armand, Foley, Hoyt, Sammis, Savage, Taylor—10.

Absent or not voting:

Senators Adams, Dowell, Francis, Frudden, Gates, Hunter, McCulloch, McManus, Nichols, Quigley, Saunders, Smith of Des Moines, Stuckslager, Van Law, White—15.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Smith of Mitchell, from the Conference Committee on part of the Senate on Senate Joint Resolution No. 6, submitted the following report and moved its adoption:

MR. PRESIDENT—Your Conference Committee on Senate Joint Resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government, beg leave to report that they have had the same under consideration and recommend the following:

We recommend that the Senate concur in the House amendment adding to the sub-division relating to the office of the Auditor of State the following: "One additional clerk at a salary of \$1,200.00."

Your committee further recommend that the Senate concur in the House amendment striking out the figures "\$2,000.00" in the first line under the heading "for the Executive Council" and inserting the figures "\$1,800.00" in lieu thereof.

We recommend that said Joint Resolution be further amended by striking out the 6th and 7th lines under the heading "for the office of the Auditor of State, which are as follows: "Extra clerical assistance in the insurance, revenue and banking department, not to exceed the sum of "\$1,000.00" and by inserting in lieu thereof the following: "Extra clerical assistance in insurance, revenue and banking departments, expense in

adjusting accounts between the State and counties, expense in attending meetings of the insurance commissioners and such other expenses as shall be approved by the Executive Council, not to exceed \$1,000.00."

JAS. A. SMITH,

F. L. MAYTAG,

C. C. DOWELL,

T. A. O'CONNOR,

ERNEST R. MOORE,

WM. ANDERSON,

Committee.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 6, fixing the number and compensation of employees in the department of state at the seat of government, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendment as recommended by the Conference Committee:

Add to the sub-division relating to the office of the Auditor of State, the following: "One additional clerk at a salary of \$1,200."

Also strike out the figures "2,000" in the first line under the heading, "for the executive council" and inserting the figures "1,800" in lieu thereof.

On the question, Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Dowell, McManus, Nichols, Sammis, Smith of Des Moines, White—6.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Smith of Mitchell moved the adoption of the following amendments recommended by the Conference Committee:

Amend by striking out the sixth and seventh lines under the heading "for the office of Auditor of State" which are as follows: "Extra clerical assistance in the insurance, revenue and banking departments, not to exceed the sum of \$1,000," and by inserting in lieu thereof the following: "Extra clerical assistance in adjusting accounts between the state and counties, expense in attending meetings of the insurance commissioners and such other expenses as shall be approved by the executive council not to exceed \$1,000."

Adopted.

Senator Smith of Mitchell moved that the rules be suspended, the Joint Resolution be considered engrossed and read a third time now, which motion prevailed and the Joint Resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Senators Adams, Allen of Pocahontas, Balkema, Bennett, Brown, Burgess, Chapman, Clark, Clarkson, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Mitchell, Stuckslager, Taylor, Van Law, Whipple—38.

The nays were:

None.

Absent or not voting:

Senators Allen of Van Buren, Bruce, De Wolf, Dowell, Larrabee, McManus, Nichols, Smith of Des Moines, White, Whiting, Wilson—11.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its 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 concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 93, a bill for an act to amend Section five thousand two hundred an eighty-nine (5289) of the Code of 1897 by adding thereto a provision permitting the county attorney to amend indictments, to correct errors therein or to add allegations thereto.

C. R. BENEDICT,
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. 148, a bill for an act to amend the law as it appears in Section five hundred ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

C. R. BENEDICT,
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. 414, a bill for an act to amend Section seven hundred ninety-two (792) of the Code, relating to street improvements and special assessments therefor.

C. R. BENEDICT,
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. 429, a bill for an act to amend the law as it appears in Section 1989-a-14 of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal.

C. R. BENEDICT,
Chief Clerk.

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:

Senate Joint Resolution No. 5, approving estimates of cost, plans and specifications of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts.

C. R. BENEDICT,
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. 362, a bill for an act to repeal Section 1415 of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 176, a bill for an act to amend the law as it appears in Section five hundred eighty-six (586) and Section eight hundred ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of cemetery tax.

C. R. BENEDICT,
Chief Clerk.

Senator Peterson, from the Conference Committee on part of the Senate, on Senate File No. 113, submitted the following report, and moved its adoption:

To the Speaker of the House and the President of the Senate:

Your Committee on Conference on the disagreeing votes of the House and Senate on substitute for Senate File No. 113, after full and free conference begs leave to report and recommend to the House and Senate as follows:

1st. That the Senate concur in the House amendment to said substitute numbered "1" being an amendment to correct the title.

2nd. That the House amendment to said substitute, being numbered "2" be amended by striking out of Section 5 thereof all after the colon following the word "to-wit" in the eleventh line down to and including the word "practicable" in the thirtieth line and inserting in lieu thereof the following: "The Secretary of State shall prepare a list of the counties of the State for each political party by arranging the various counties in the order of the vote cast by each political party in each county for its candidate for Governor at the last preceding general election, or for the head of the ticket of any political party when it had no candidate for Governor at such election, numbering the counties consecutively on each list from 1 to 99, both inclusive, beginning with the county which cast the largest vote, which shall be numbered "1." He shall then arrange the surnames of such candidates in alphabetical order for the respective offices for the several political parties for the first county on the respective lists; thereafter, for each succeeding county, the names appearing first for the respective offices in the last preceding county shall be placed last, so that the names that occupied second position before the change shall occupy first position after the change"; and that said House

amendment be further amended by striking out of Section 7 thereof the last paragraph, which reads as follows: "The county auditor shall not print on the official ballot of a political party the title of any office for which nomination papers for a candidate therefor have not been filed, but this prohibition shall not extend to township offices nor to party committeemen"; and that when said House amendment numbered "2" shall have been so amended, that the Senate concur therein and that the House adopt said amendment as amended.

N. J. LEE,
J. H. DARRAH,
A. C. RIPLEY,
EDWARD McDONALD,

Conferees on the part of the House.

C. F. PETERSON,
E. G. MOON,
L. E. FRANCIS,
GEORGE COSSON,

Conferees on the part of the Senate.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Peterson, Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties, was taken up and considered.

Senator Peterson moved that the Senate adopt the following amendment to the House amendment numbered 2, as recommended by the Conference Committee:

That the House amendment to said substitute, being numbered "2," be amended by striking out of Section 5 thereof all after the colon following the word "to-wit" in the eleventh line down to and including the word "practicable" in the thirtieth line and inserting in lieu thereof the following: "The Secretary of State shall prepare a list of the counties of the State for each political party by arranging the various counties in the order of the vote cast by each political party in each county for its

candidate for Governor at the last preceding general election, or for the head of the ticket of any political party when it had no candidate for Governor at such election numbering the counties consecutively on each list from 1 to 99, both inclusive, beginning with the county which cast the largest vote, which shall be numbered "1." He shall then arrange the surnames of such candidates in alphabetical order for the respective offices for the several political parties for the first county on the respective lists; thereafter, for each succeeding county, the names appearing first for the respective offices in the last preceding county shall be placed last, so that the names that occupied second position before the change shall occupy first position after the change;" and that said House amendment be further amended by striking out of Section 7 thereof the last paragraph, which reads as follows: "The county auditor shall not print on an official ballot of a political party the title of any office for which nomination papers for a candidate therefor have not been filed, but this prohibition shall not extend to township offices nor to party committeement."

On the question, "Shall the Senate adopt the amendment to the House amendment numbered 2 as recommended by the Conference Committee?"

The ayes were:

Senators Bennett, Brown, Burgess, Chapman, Clark, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Hammill, Hunter, Larrabee, McCulloch, Mattees, Maytag, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple, Whiting, Wilson—32.

The nays were:

Senator Gilliland—1.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bruce, Clarkson, Gates, Hoyt, McManus, Moon, Nichols, Parshall, Savage, Smith of Des Moines, Taylor, White—16.

So the amendments having received a constitutional majority were adopted.

Senator Peterson moved that the Senate concur in House amendment numbered "1" and also concur in House amendment numbered "2" as amended in accordance with the report of said Conference Committee.

On the question, "Shall the Senate concur in the House amendments to the bill and in the House amendment as amended by said Conference Committee?"

The ayes were:

Senators Bennett, Brown, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Hammill, Hoyt, Hunter, Larrabee, McCulloeh, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Van Law, Whipple, Whiting—33.

The nays were:

Senator Gilliland—1.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, De Armand, McManus, Nichols, Parshall, Savage, Seeley, Smith of Des Moines, Stuckslager, Taylor, White, Wilson—15.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Smith of Mitchell moved that no more bills be reported from the Sifting Committee for consideration by the Senate.

Carried.

On motion of Senator Stuckslager, House File No. 281, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Six (2806) of the Code of Iowa, to increase the amount that may be levied for the contingent fund in a school district, was taken up and considered.

By unanimous consent the amendment offered by Senator Stuckslager was withdrawn.

The amendment offered by Senator Fitchpatrick was adopted.

Senator Stuckslager moved that the rules 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 ayes were:

Senators Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Chapman, Clark, Cosson, De Armand, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Larrabee, Mattes,

Maytag, Parshall, Peterson, Proudfoot, Ream, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Stuckslager, Van Law, Whipple, Wilson—33.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Pocahontas, Balkema, Clarkson, De Wolf, Dowell, Hunter, McCulloch, McManus, Moon, Nichols, Quigley, Sammis, Taylor, White, Whiting—16.

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 Adams, 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. 305, a bill for an act to amend the law as it appears in Section two hundred ninety-eight (298) of the Supplement to the Code, 1907, relating to compensation of clerks of the district court and their deputies.

Also:

House Joint Resolution No. 6, authorizing and recommending the pardon or parole of C. H. Woodward, now confined at Fort Madison, Iowa.

Also:

House File No. 448, a bill for an act to amend Section one thousand three hundred four (1304) of the Supplement to the Code, 1907, in relation to the classes of property exempt from the assessment of taxes.

Also:

House File No. 488, a bill for an act to repeal Section two thousand seventy-seven-a (2077-a) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the installing of telephones and posting notices in railway stations.

Also:

House File No. 507, a bill for an act to amend the law as it appears in Section twenty-eight hundred twelve-e (2812-e) of the Supplement to the Code, 1907, relating to the duration of school bonds.

Also:

House File No. 534, a bill for an act to amend the law as it appears in Sections twenty-five hundred forty (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred fifty-one (2551) and twenty-five hundred fifty-six (2556) of the Supplement to the Code, 1907; and Sections twenty-five hundred fifty-five (2555) and twenty-five hundred fifty-nine (2559) of the Code, and to repeal Section twenty-five hundred fifty-two (2552) of the Supplement to the Code, 1907, and Sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), twenty-five hundred sixty-two (2562) of the Code, relating to the protection of fish and game; regulating the shipment of fish for sale; prohibiting the sale of game; and providing for the appointment of deputy fish and game wardens and fixing their compensation.

Also:

House File No. 539, a bill for an act to legalize the election in the incorporated town of Weldon, Decatur county Iowa.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, House Files Nos. 440, 377, 439, 494, 359, 111, 54, 940, Senate Files Nos. 361, 278, 344, 370, 258, 130, 297, 349, 386, 92, 380, 263, 402, 403, 394, 410, 17.

HOUSE MESSAGES CONSIDERED.

House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation engaged in the business of lumber dealing, or owning or operating lumber yards, from combining or entering into any agreement, contract, trust, or pool to fix the prices at which lumber is to be sold, to prevent the free action of competition in the buying of lumber, or the selling of lumber, and to provide punishment for the violation of this act.

Passed on file.

Senate File No. 350, a bill for an act to prevent placing obstructions on the streets and highways and providing penalty therefor.

Passed on file.

Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same.

Passed on file.

Senate File No. 430, a bill for an act to amend Section Twelve (12) of the Code, relative to the compensation of members of the General Assembly.

Passed on file.

Senate File No. 374, a bill for an act to amend Section One Hundred and Twenty-five (125), of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

Passed on file.

House File No. 93, a bill for an act to amend Section Five Thousand Two Hundred and Eighty-nine (5289) of the Code of 1897, by adding thereto a provision permitting the county attorney to amend indictments, to correct errors therein or to add allegations thereto.

Passed on file.

Senate File No. 148, a bill for an act to amend the law as it appears in Section Five Hundred Ten-a (510-a) of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

Passed on file.

Senate File No. 414, a bill for an act to amend Section Seven Hundred Ninety-two (792) of the Code, relating to street improvements and special assessments therefor.

Passed on file.

Senate File No. 429, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-fourteen (1989-a-14), of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal.

Passed on file.

Senate Joint Resolution No. 5, a bill approving estimates of costs, plans and specifications for completion of buildings, and erection of new buildings at the State College of Agricultural and Mechanic Arts.

Passed on file.

Senate File No. 362, a bill for an act to repeal Section Fourteen Hundred Fifteen (1415) of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.

Passed on file.

Senate File No. 176, a bill for an act to amend the law as it appears in Section Five Hundred Eighty-six (586) and Section Eight Hundred Ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of cemetery tax.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 176, a bill for an act to amend the law as it appears in Section Five Hundred Eighty-six (586) and Section Eight Hundred Ninety-four (894) of the Supplement to the Code, 1907, relating to the levy of cemetery tax, was taken up and considered.

Senator Francis moved that the Senate concur in the following House amendments:

That Section Two be numbered Section One.

That Section One be numbered Section Three.

That the following be inserted as Section Two:

“Section 2. That paragraph eleven (11) of Section Eight Hundred and Ninety-four (894) of the Supplement to the Code, 1907, be amended by substituting a comma for the period following the word “city” in the fourth line thereof and adding thereto the following: ‘or any private or incorporated cemetery association utilized by the citizens of said city or town.’”

On the question, “Shall the Senate concur in the House amendments?”

The ayes were:

Senators Adams, Allen of Van Buren, Bennett, Brown, Bruce, Burgess, Clark, Clarkson, Cosson, De Wolf, Fitchpatrick, Foley, Francis, Frudden, Gates, Hoyt, Larrabee, McCulloch, Mattes, Maytag, Moon, Parshall, Peterson, Quigley, Ream, Saunders, Savage, Seeley, Smith of Mitchell, Van Law, Whiting, Wilson—32.

The nays were:

None.

Absent or not voting:

Senators Allen of Pocahontas, Balkema, Chapman, De Armand, Dowell, Gilliland, Hammill, Hunter, McManus, Nichols, Proudfoot, Sammis, Smith of Des Moines, Stuckslager, Taylor, Whipple, White—17.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Saunders offered the following resolution and moved its adoption.

I move that the newspaper reporters be permitted to retain their bill files.

Adopted.

Senator Quigley asked unanimous consent to call up for consideration House Concurrent Resolution relative to memorializing congress to use their efforts to secure an adequate appropriation for the purchase of certain lands at the confluence of the Wisconsin and Mississippi rivers for a national park.

Consent granted.

Senator Quigley moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced that he had signed, in the presence of the Senate, House Files Nos. 507, 488, 448, 305, 534, 539, House Joint Resolution No. 6; House Files Nos. 263, 292, 406, 495, 537.

The Journal of yesterday was taken up, corrected and approved.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 410, a bill for an act making an appropriation for the Farmers'

Institute of Pocahontas county, Iowa, under the provisions of Section sixteen hundred seventy-five (1675) of the Supplement to the Code, 1907.

Also:

Senate File No. 349, a bill for an act to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in Sections twenty-five hundred and seventy-five-a-forty-eight (2575-a-48) and Section 2575-a-forty-nine (2575-a-49) of the Supplement to the Code, 1907.

Also:

Senate File No. 297, a bill for an act to amend Section 1090 of the Code, relating to the formation of election precincts.

Also:

Senate File No. 258, a bill for an act making an appropriation for John Jones on account of injuries received by him at the State Hospital for insane persons at Clarinda, Iowa.

Also:

Senate File No. 130, a bill for an act to prohibit drinking intoxicating liquors as a beverage or the use of profane and indecent language on any railway passenger car or street car in service and make the same a misdemeanor and giving the conductor of any train carrying passengers the right to refuse to permit any person intoxicated to enter any passenger car or street car in service and to eject from his train certain disorderly persons.

Also:

Senate File No. 92, a bill for an act to prohibit the use of cigarettes by minors under twenty-one years of age, and providing penalties therefor.

Also:

Senate File No. 370, a bill for an act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

Also:

Senate File No. 403, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal School.

Also:

Senate File No. 278, a bill for an act in relation to holding district courts and the assignment of judges therefor.

Also:

Senate File No. 394, a bill for an act to legalize the action of the Independent School District of Marcus, Cherokee county, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

Also:

Senate File No. 402, a bill for an act making appropriation for the construction, repair, improvement and contingent funds for the State hospitals, penitentiaries, industrial schools, sanatoriums for treatment of tuberculosis, institution for the feeble-minded, college for the blind, school for the deaf, Iowa soldiers home and Iowa soldiers' orphans' home.

Also:

Senate File No. 380, a bill for an act providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending Section 722 of the Supplement to the Code, 1907.

Also:

Senate File No. 344, a bill for an act defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof, subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to Chapter 5-b of Title III of the Supplement to the Code, 1907.

Also:

Senate File No. 17, a bill for an act to amend Section 3311 of the Code, relating to the valuation of personal property.

Also:

Senate File No. 263, a bill for an act to make appropriation for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.

Also:

Senate File No. 361, a bill for an act to amend Section three hundred thirty-five (335) of the Code, relating to the selection of persons to serve as petit and grand jurors and talesmen.

Also:

Senate File No. 386, a bill for an act to define gift enterprises and to provide a penalty for carrying on the same.

HENRY L. ADAMS,
Chairman.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 391, a bill for an act to prohibit the improper use, of milk and cream cans, defining the same and providing a penalty for the same.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted conference committee report and adopted and passed the amendments as recommended by the conference committee on Senate Joint Resolution No. 6, fixing the number and compensation of employees at the seat of government.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

Senate Joint Resolution No. 6, Joint Resolution fixing the number and compensation of employees in the department of state at the seat of government.

Passed on file.

Also:

Senate File No. 391, a bill for an act to prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 374, a bill for an act to amend Section 125 of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

Also:

Senate File No. 350, a bill for an act to prevent placing obstructions on the street, alleys and highways and providing a penalty therefor.

Also:

Senate File No. 338, a bill for an act to amend the law as it appears in Section 1060 of the Code, 1907, relating to the time of the commencement of the term of office chosen at a general election.

Also:

Senate File No. 418, a bill for an act providing for the removal of appointive State officials, members of boards, members of commissions, commissioners and persons appointed by the same.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 374, a bill for an act to amend Section 125 of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

Also:

Senate File No. 350, a bill for an act to prevent placing obstructions on the street, alleys and highways and providing a penalty therefor.

Also:

Senate File No. 338, a bill for an act to amend the law as it appears in Section 1060 of the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

Also:

Snate File No. 418, a bill for an act providing for the removal of appointive State officials, members of boards, members of commissions, commissioners and persons appointed by the same.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 333, a bill for an act to amend the law as it appears in Section 2310-a-19 and 2310-a-28 of the Supplement to the Code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to State hospitals, and repealing Section 2310-a-30 of the Supplement to the Code, 1907, and enacting a substitute therefor relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospital for inebriates.

C. R. BENEDICT,
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. 59, a bill for an act to amend Section 2394 of the Code, relating to the sale of intoxicating liquors by permit holders.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 298, a bill for an act limiting the number of persons to whom city or town councils may, by resolution, grant consent to sell intoxicating liquors, and to prohibit any person who shall be convicted or enjoined for violating the laws of this state relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted conference committee report and adopted amendments and passed bill as recommended by conference committee on Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

C. R. BENEDICT,
Chief Clerk.

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:

Senate Joint Resolution No. 7, approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the State University.

C. R. BENEDICT,
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. 426, a bill for an act to amend the law as it appears in Section 2493 of the Supplement of the Code, 1907, relating to the sale of poisons.

HOUSE MESSAGES CONSIDERED.

Senate File No. 333, a bill for an act to amend the law relative to the payment of certain expenses and costs incurred on account of patients committed as inebriates to state hospitals.

Passed on file.

Senate File No. 59, a bill for an act to amend Section Two Thousand Three Hundred Ninety-four (2394) of the Code of Iowa, relating to the sale of intoxicating liquors by permit holders.

Passed on file.

Senate File No. 212, a bill for an act to require every person, partnership, company or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping the same, and providing a penalty for the violation thereof.

Passed on file.

Senate Joint Resolution No. 7, approving estimates of costs, plans and specifications for completion of buildings, and erection of new buildings at the State University.

Passed on file.

Senate File No. 426, a bill for an act to amend the law as it appears in Section 2593 of the Supplement to the Code, 1907, relating to the sale of poisons.

Passed on file.

Senate File No. 298, a bill for an act amending the law as it appears in paragraph 2 of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors.

Passed on file.

REPORTS OF COMMITTEE.

Senator Maytag, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 266, a bill for an act defining the management and activities of the historical department of Iowa and making an appropriation for the permanent support thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred House File No. 267, a bill for an act to amend Section two thousand eight hundred eighty-one-e (2881-e) of the Supplement to the Code, 1907, relating to the appropriation for the state library and historical department, reducing the appropriation and confining the same to the state library, beg leave to report they have had the same under consideration and recommend the same do pass.

F. L. MAYTAG,
Chairman.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. SPEAKER—I am directed to inform your honorable body that the House has adopted Conference Committee report, adopted the amendments and passed as recommended by Conference Committee, Senate File No. 113, a bill for an act relative to holding of primary elections by political parties.

C. R. BENEDICT,
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. 432, a bill for an act appropriating \$200 to the Williamsburg Fair Association under the provisions of Section 1661-a of the Supplement to the Code, 1907.

C. R. BENEDICT,
Chief Clerk.

THIRD READING OF BILLS.

On motion of Senator Maytag, House File No. 266, a bill for an act defining the management and activities of the Historical Department of Iowa and asking for a permanent support thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mattes offered the following amendment and moved its adoption:

Amend Section 6 by adding after the period following the word "activities" in line 6 the following:

"Provided that the expenditure under this Section shall not exceed the sum of five thousand dollars (\$5,000) for a period of two years."

Adopted.

Senator Allen of Pocahontas moved that the bill be laid on the table.

Carried.

Senator Maytag moved that House File No. 267, a bill for an act to amend Section Two Thousand Eight Hundred Eighty-one-e (2881-e) of the Supplement to the Code, 1907, relating to the appropriation for the State Library and Historical Department, re-

ducing the appropriation and confining the same to the State Library, be laid on the table.

Carried.

INTRODUCTION OF BILLS.

By Committee on Appropriations, Senate File No. 433:

A Bill for an Act to Make Appropriations for the Payment of State and Judicial Officers, State and Other Expenses.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are fixed by law, and payable from the State treasury, and the Auditor of State shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments, when not otherwise provided by law.

Sec. 2. There is further appropriated from the State treasury for a term of two years ending June 30, 1911, the following sums, or so much thereof as shall be necessary, to-wit: Provided that on the first day of July succeeding the meeting of the regular session of the General Assembly all moneys appropriated in this act and remaining unexpended, shall be and are hereby covered into the State treasury.

Sec. 3. 1. For the office of Auditor of State, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of thirty-three thousand nine hundred sixty (\$33,960) dollars.

2. For the office of Attorney General, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fifteen thousand four hundred (\$15,400.00) dollars.

3. For the office of State Mine Inspector, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of two thousand (\$2,000.00) dollars.

4. For the Railroad Commission for clerical help, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of nine thousand seven hundred twenty (\$9,720.00) dollars; for traveling and all other expenses, the sum of two thousand two hundred eighty (\$2,280.00) dollars.

5. For the Historical Department, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twelve thousand seven hundred sixty (\$12,760.00) dollars.

6. For the Geological Survey, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twenty-two hundred (\$2,200.00) dollars.

7. For the office of clerk of the Supreme Court, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of five thousand eight hundred eighty (\$5,880.00) dollars.

8. For the incidental expenses of the Chief Justice of the Supreme Court, for the period ending June 30, 1911, the sum of one thousand (\$1,000.00) dollars; also for bailiff, messenger, and stenographic

service, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twelve thousand six hundred (\$12,600.00) dollars.

9. For expenses of the State Food and Dairy Commissioner, Assistant Commissioner, and deputy, and for food and milk inspection, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of five thousand three hundred sixty (\$5,360.00) dollars.

10. For the office of Treasurer of State, for the period ending June 30, 1911, as per joint resolution No. 6, for salaries and incidental expenses, the sum of twelve thousand three hundred sixty (\$12,360.00) dollars.

11. For the office of Superintendent of Public Instruction, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of four thousand three hundred sixty (\$4,360.00) dollars.

12. For the office of State Librarian, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of seven thousand three hundred sixty (\$7,360.00) dollars.

13. For the office of Supreme Court Reporter, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fourteen hundred forty (\$1,440.00) dollars.

14. For the office of Secretary of State, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twenty thousand six hundred (\$20,600.00) dollars.

15. For the office of Governor, for the period ending June 30, 1911; for a contingent and expense fund, the sum of three thousand nine hundred thirty-six (\$3,936.) dollars; for the expenses of employing additional counsel when necessary, under the provisions of Sections sixty-three (63) and sixty-four (64) of the Code, the sum of two thousand five hundred (\$2,500.00) dollars; for investigation of applications for pardons and parole and for return of paroled prisoners, five hundred (\$500.00) dollars; for house rent for Governor the sum of one thousand two hundred (\$1,200.00) dollars; for employes in the office of the Governor, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of ten thousand four hundred (\$10,400.00) dollars.

16. For employes under the Custodian, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fifty-seven thousand two hundred (\$57,200.00) dollars.

17. For providential contingencies the sum of fifty thousand (\$50,000.00) dollars, to be expended in accordance with the provisions of Section one hundred seventy (170) of the Code, the said amount to be under the control of the Executive Council and all payments from said sum shall first receive its unanimous approval. Any expenditures under this section shall be reported in detail by the Auditor of State in his next report.

18. There is hereby appropriated the sum of one hundred five thousand (\$105,000.00) dollars, to be expended under the direction of the Executive Council, under the provisions of Section one hundred sixty-five (165) of the Code, for furniture, stores and supplies, and the further sum of twenty thousand (\$20,000.00) dollars or so much thereof as shall be necessary, for the purchase of fuel.

19. There is hereby appropriated the sum of twenty thousand (\$20,000.00) dollars, to be expended under the direction of the Executive Council, under the provisions of Section one hundred sixty-four (164) of the Code.

20. There is hereby appropriated for the payment of postmaster and mail carrier for the capitol, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of two thousand eight hundred (\$2,800.00) dollars.

21. For the office of secretary of Executive Council, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of thirteen thousand three hundred sixty (\$13,360.00) dollars.

22. There is hereby appropriated for the purpose of paying express, freight, and drayage, for the period ending June 30, 1911, the sum of seventeen thousand five hundred (\$17,500.00) dollars.

23. To the members of the Executive Council for extra services, for the period ending June 30, 1911, the sum of sixteen hundred dollars (\$1,600.00) each, and warrants shall be issued monthly therefor at the end of each month.

24. There is hereby appropriated for the purpose of advertising laws, to be expended under the provisions of Section thirty-six (36) of the Code, the sum of one thousand (\$1,000.00) dollars.

25. To the State Board of Health for extra clerical assistance, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of eighteen hundred (\$1,800.00) dollars; also for the purpose of printing and distributing the rules and regulations of the State Board of Health, the sum of five hundred (\$500.00) dollars.

26. To the office of the Bureau of Labor Statistics, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of eighteen hundred (\$1,800.00) dollars.

Sec. 4. Each of the foregoing named officers shall furnish vouchers therefor, containing the items of such expenditures to the Auditor of State before any warrants shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next General Assembly.

Sec. 5. To George W. Clarke, Lieutenant Governor, as President of the Senate, the sum of one thousand one hundred (\$1,100.00) dollars.

Sec. 6. To Guy A. Feely, as Speaker of the House of Representatives, the sum of five hundred fifty (\$550.00) dollars, which shall be in addition to his salary as member of the House.

Sec. 7. To Warren Garst, Lieutenant Governor, as President of the Senate, for the extra session of the Thirty-second General Assembly, the sum of one hundred thirty-two (\$132.00) dollars.

Sec. 8. To N. E. Kendall, as Speaker of the House of Representatives, for the extra session of the Thirty-second General Assembly, the sum of sixty-six (\$66.00) dollars.

Sec. 9. For chaplains of the Senate and of the House of the Thirty-third General Assembly, the sum of six hundred ninety (\$690.00) dollars, or so much thereof as may be necessary, warrants therefor to be drawn in favor of the persons entitled thereto, who shall be determined by the Auditor of State upon the certified statement of the President

of the Senate and the Speaker of the House.

Sec. 10. To the Secretary of State for the purchase of one hundred sixty (160) sets of the annotations to the session laws of the Thirty-third General Assembly, the sum of seventy-five (\$75.00) dollars.

Sec. 11. For the payment of the claims due sundry parties for the publication of notices of application for pardon under the provision of Section five thousand six hundred twenty-six (5626) of the Code, the sum of one hundred sixty-four 55-100 (\$164.55) dollars, to be paid on a statement approved by the Governor.

Sec. 12. To the Secretary of State for indexing journals for the House and Senate of the Thirty-third General Assembly, in addition to the amount provided by law, the sum of two hundred (\$200.00) dollars.

Sec. 13. For expenses of State Superintendent of Weights and Measures for attending national convention of State sealers of weights and measures, the sum of one hundred (\$100.00) dollars.

Sec. 14. To the Board of Control for additional draftsman in that department, the sum of sixteen hundred (\$1,600.00) dollars.

Sec. 15. To the Secretary of State for extra clerk hire during the Thirty-third General Assembly, the sum of two hundred and twenty-five (\$225.00) dollars.

Sec. 16. To S. Davidson & Brothers for two chairs, the sum of fifty-nine and 54-100 (\$59.54) dollars.

Sec. 17. To the Guest Piano Company for cartage on piano to and from State Capitol, occasion of Lincoln's Birthday exercises, the sum of nine (\$9.00) dollars.

Sec. 18. To Des Moines Rubber Stamp Works for badges for the House and Senate of the Thirty-third General Assembly, the sum of fifty-three (\$53.00) dollars.

Sec. 19. To Baker-Trisler Company, for two gavels, the sum of two and 25-100 (\$2.25) dollars.

Sec. 20. To Underwood Typewriter Company for two typewriters for House and Senate the sum of one hundred eighty-two and 25-100 (\$182.25) dollars; also for rent of two typewriters for use of House and Senate during the session of the Thirty-third General Assembly, the sum of eighteen and 85-100 (\$18.85) dollars.

Sec. 21. To Bolton Transfer Company for hauling band stand, occasion of inaugural ceremonies, the sum of four (\$4.00) dollars.

Sec. 22. To Des Moines Cabinet Company for panel partition in rear of Senate chamber, the sum of two hundred eight and 20-100 (\$208.20) dollars.

Sec. 23. For rent of storage rooms for the Adjutant General for the period ending July 1, 1911, the sum of two thousand (\$2,000.00) dollars.

Sec. 24. For the purpose of paying the interest of indebtedness of the State to the permanent school fund, the sum of one thousand three hundred and 46-100 (\$1,312.46) dollars, which is to be in full of such interest on such indebtedness, and the Auditor of State shall draw

warrants for the above appropriations as said interest shall become due.

Sec. 25. To the employes of the House and Senate for services required after adjournment, the sum of two hundred (\$200.00) dollars.

Sec. 26. For warden's house fund at the penitentiary at Fort Madison and Anamosa, two hundred (\$200.00) dollars each, for the period ending July 1, 1911.

Sec. 27. To the Board of Control of State institutions for expenses of witnesses for the State hospitals who appeared before the House investigating committee, April 3, 1909, the sum of ninety and 70-100 (\$90.70) dollars.

Sec. 28. To W. M. Crees, sheriff of Audubon county, Iowa, for serving notice on witness to appear before House investigating committee March 30, 1909, the sum of one and 80-100 (\$1.80) dollars.

Sec. 29. For the custodian the sum of one thousand (\$1,000.00) dollars to pay for shoveling snow and other necessary work, warrants for same to be drawn upon the certificate of the Custodian.

Sec. 30. To the Executive Council to meet necessary expenses, for which no appropriation is made, the sum of three thousand (\$3,000.00) dollars, to be disbursed on claims approved by the Executive Council and the Auditor of State shall draw warrants therefor.

Sec. 31. To the Board of Control of State Institutions for State Reformatory at Anamosa for the purchase of industrial equipment, the sum of two thousand (\$2,000.00) dollars.

Sec. 32. To the Custodian for the purchase of night watchman clocks, the sum of two hundred (\$200.00) dollars.

Sec. 33. To Seldon H. Stacy on account of error made in Joint Resolution No. 6 of the Thirty-second General Assembly for additional salary, the sum of two hundred forty (\$240.00) dollars.

Sec. 34. To the Executive Council for the continuation of the work of the arrangement, classification, labeling, filing, calendaring and indexing the public archives under Section twenty-eight hundred eighty-one-k (2881-k) of the Supplement to the Code, 1907, the sum of six thousand (\$6,000.00) dollars for the binennial period.

Sec. 35. To the Executive Council for the purpose of repairing elevators in the State Capitol, the sum of fifteen hundred (\$1,500.00) dollars, or so much thereof as may be needed.

Sec. 36. All allowances made herein to any of the foregoing named departments for additional assistance; extra or additional clerical assistance, assistant help in janitor service; contingent fund, extra stenographic or messenger service shall be made upon verified pay rolls or bills, to be audited and approved by the Executive Council.

Sec. 37. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

The bill was read first and second time and passed on file.

On motion of Senator Maytag, Senate File No. 433, a bill for an act to make appropriation for the payment of state and judicial officers, state and other expenses, was taken up and considered.

Senator Maytag moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Carried.

The bill was read for information.

Senator Maytag moved that the rules be suspended, 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 ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Brown, Bruce, Burgess, Chapman, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Seeley, Smith of Mitchell, Stuckslager, Van Law, Whipple, White, Whiting, Wilson—43.

The nays were:

None.

Absent or not voting:

Senators Clark, McManus, Nichols, Parshall, Smith of Des Moines, Taylor—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Moon, Senate File No. 298, a bill for an act amending the law as it appears in paragraph 2 of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors, was taken up and considered.

Senator Moon moved that the Senate concur in the following House amendments:

Amend Section one (1) by adding after the word "beverage" in the third line thereof the words "at retail."

Amend Section two (2) by striking out all after the figure two (2) in Section two (2) of said bill, and inserting in lieu thereof the following:

In all cities and towns where a greater number of persons than are provided in Section one (1) hereof, now hold resolutions of consent to sell intoxicating liquors at retail, it shall not be mandatory under the provisions of this act for city or town councils to cancel or withdraw a sufficient number of such resolutions of consent to comply with the provisions of Section one (1) hereof, and such resolutions of consent may be renewed by city and town councils to the person or persons holding the same or their assignees or grantees, unless said resolutions of consent shall become inoperative by reason of the person holding the same violating any of the laws of the State, either civil or criminal, relating to the sale or disposition of intoxicating liquors, or by reason of a permanent injunction issuing against such person for a violation of law, or by reason of a civil or criminal action being commenced or instituted against said person for the violation of any of the laws of the State relating to the sale or disposition of intoxicating liquors, and said persons surrendering such resolution of consent before said action is prosecuted to final judgment or a conviction had in the court in which the same was instituted or by reason of the city or town council withdrawing such resolution of consent for cause, in which event, no new or additional resolution shall be granted to any person to sell intoxicating liquors as a beverage at retail except in accordance with the provisions of this act.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Adams, Allen of Pocahontas, Allen of Van Buren, Balkema, Bennett, Bruce, Burgess, Chapman, Clark, Clarkson, Cosson, De Wolf, Dowell, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, McCulloch, Mattes, Maytag, Moon, Peterson, Proudfoot, Ream, Sammis, Savage, Seeley, Smith of Mitchell, Stuckslager, Van Law, White—32.

The nays were:

None.

Absent or not voting:

Senators Brown, De Armand, Foley, Frudden, Gates, Hunter, Larrabee, McManus, Nichols, Parshall, Quigley, Saunders, Smith of Des Moines, Taylor, Whipple, Whiting, Wilson—17.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Larrabee asked unanimous consent to take up for consideration House Concurrent Resolution relative to memorializing the Iowa delegation in congress to provide for the improvement of the Post roads in the State of Iowa and to secure an appropriation therefor.

Consent granted.

Senator Larrabee moved that the Senate concur in the House Concurrent Resolution.

Carried.

HOUSE MESSAGES CONSIDERED.

Senate File No. 113, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-1 (1087-a-1), Ten Hundred Eighty-seven-a-5 (1087-a-5), Ten Hundred Eighty-seven-a-6 (1087-a-6), Ten Hundred Eighty-seven-a-12 (1087-a-12), Ten Hundred Eighty-seven-a-21 (1087-a-21), Ten Hundred Eighty-seven-a-22 (1087-a-22), Ten Hundred Eighty-seven-a-25 (1087-a-25), Ten Hundred Eighty-seven-a-27 (1087-a-27), of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections Ten Hundred Eighty-seven-a-13 (1087-a-13), Ten Hundred Eighty-seven-a-15 (1087-a-15), and Ten Hundred Eighty-seven-a-18 (1087-a-18), of the Supplement to the Code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.

Passed on file.

Senate File No. 432, a bill for an act appropriating two hundred (\$200) dollars to the Williamsburg Fair Association under the provisions of Sections One Thousand Six Hundred Sixty-one-a (1661-a) of the Supplement to the Code, 1907.

Passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 148, a bill for an act to amend the law as it appears in Section 510-a of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

Also:

Senate File No. 414, a bill for an act authorizing street improvements in incorporated towns having a population in excess of one thousand, and providing for the levy of special assessments therefor additional to Title 5 Chapter 7 of the Code as amended.

Also:

Senate File No. 176, a bill for an act to amend the law as it appears in Section 586 and Section 894 of the Supplement to the Code, 1907, relating to the levy of cemetery tax.

Also:

Senate File No. 362, a bill for an act to repeal Section 1415 of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.

Also:

Senate File No. 429, a bill for an act to amend the law as it appears in Section 1989-a-14 of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal.

Also:

Joint Resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government.

Also:

Joint Resolution No. 5, approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 148, a bill for an act to amend the law as it appears in Section 510-a of the

Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

Also:

Senate File No. 414, a bill for an act authorizing street improvements in incorporated towns having a population in excess of one thousand, and providing for the levy of special assessments therefor additional to Title 5 Chapter 7 of the Code as amended.

Also:

Senate File No. 176, a bill for an act to amend the law as it appears in Section 586 and Section 894 of the Supplement to the Code, 1907, relating to the levy of cemetery tax.

Also:

Senate File No. 362, a bill for an act to repeal Section 1415 of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.

Also:

Senate File No. 429, a bill for an act to amend the law as it appears in Section 1989-a-14 of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal.

Also:

Joint Resolution No. 6, fixing the number and compensation of employees in the department of State at the seat of government.

Also:

Joint Resolution No. 5, approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 485, a bill for an act to repeal Section eighteen Hundred seventy-five (1875) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and banking.

C. R. BENEDICT,

Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 155, a bill for an act to appropriate one thousand dollars (\$1,000.00) to assist in the erection of a monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

C. R. BENEDICT,
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. 407, a bill for an act to legalize the acts of John Menz as treasurer of Lee County, by reason of deposits of county and other funds in the Commercial Bank of Keokuk, Iowa.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 433, a bill for an act to make appropriations for the payment of state and judicial officers, state and other expenses.

C. R. BENEDICT,
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 549, a bill for an act to repeal Section 1955 and 1956 of the Code and to enact substitutes therefor, and to amend Section 1959 of the Code, all relating to the construction of levees, ditches, or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

Senate File No. 433, a bill to make appropriations for the payment of state and judicial officers, state and other expenses.

Passed on file.

Senate File No. 407, a bill for an act to legalize the acts of John Menz, as treasurer of Lee county, by reason of deposits of county and other funds in the Commercial Bank of Keokuk, Iowa.

Passed on file.

Senate File No. 155, a bill for an act to appropriate one thousand dollars (\$1,000) to assist in the erection of a monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa.

Passed on file.

House File No. 485, a bill for an act to repeal Section Eighteen Hundred Seventy-five (1875) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and banking.

Passed on file.

House File No. 549, a bill for an act to repeal Section 1955 and 1956 of the Code and to enact substitutes therefor and to amend Section 1959 of the Code, all relating to the construction of levees, ditches or drains by owners of lands.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 434:

A Bill for an act to Provide for the General Levy for State Purposes for the years Nineteen Hundred and Nine (1909) and Nineteen Hundred and Ten (1910).

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That the executive council shall in the year nineteen hundred and nine (1909) fix the rate per centum to be levied upon the valuation of the taxable property of the state necessary to yield for general state purposes approximately the sum of two million three hundred thousand dollars (\$2,300,000.00); and in the year nineteen hundred and ten (1910) shall fix the rate necessary to yield approximately the further sum of two million three hundred thousand dollars (\$2,300,000.00).

SEC. 2. The executive council shall certify the rate necessary to the auditor of each county.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Read first and second time and passed on file.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 434, a bill for an act to provide for the general levy for state purposes for the years nineteen hundred and nine (1909) and nineteen hundred and ten (1910), was taken up and considered.

Senator Smith of Mitchell moved that the rules by which no bill shall be read a second and third time on the same day be suspended.

Carried.

The bill was read for information.

Senator Smith of Mitchell moved that the rule be suspended, 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 ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Parshall, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Seeley, Smith of Des Moines, Smith of Mitchell, Taylor, Van Law, Whipple, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Burgess, McManus, Maytag, Moon, Nichols, Stuckslager, Whiting—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Smith of Mitchell, Senate File No. 433, a bill for an act to make appropriations for the payment of state and judicial officers, state and other expenses, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendments:

Amend Section 34 by changing the words and figures "six thousand (\$6,000) dollars" to the following, "four thousand (\$4,000) dollars."

Amend Section 35 by adding to the end of line two after the word "fifteen," the word "hundred."

Amend Section 37 by changing it so it will read: Section 39.

By adding as Section 37 and 38 the following:

"Section 37. For the Franklin County Agricultural Society, two hundred dollars (\$200); for the Farmers Institute of Cherokee County, seventy-five dollars (\$75); for the Farmers Institute of Palo Alto County, seventy-five dollars (\$75); said amounts being the sums to which the above named societies are entitled under the statutes but for which they failed to file claims within the time provided by law."

"Section 38. For Walter Taylor, for three days services as assistant in the cloak room of the House of Representatives of the Thirty-third General Assembly, the sum of nine dollars (\$9.00)."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Senators Allen of Pocahontas, Balkema, Bennett, Brown, Chapman, Clark, Clarkson, Cosson, De Armand, De Wolf, Dowell, Fitchpatrick, Foley, Francis, Frudden, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Mattes, Peterson, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Taylor, Van Law, Whipple, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Senators Adams, Allen of Van Buren, Bruce, Burgess, McManus, Maytag, Moon, Nichols, Parshall, Seeley, Smith of Des Moines, Stuckslager, Whiting—13.

So the House amendments having received a constitutional majority were declared concurred in.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor, and providing a penalty for the violation thereof.

Also:

Senate File No. 161, a bill for an act to amend Chapter 120 of the Laws of the Twenty-sixth General Assembly, by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000.00) to aid therein.

Also:

Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield, in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

Also:

Senate File No. 251, a bill for an act to amend the law as it appears in subdivision 4 of Section 138 of the Supplement to the Code, 1907, and Section 139 of the Code, relating to printing.

Also:

Senate File No. 184, a bill for an act to repeal Section 1615 of the Code, 1907, Sections 1610, 1618 and 1641-d of the Supplement to the Code, 1907, and enact substitutes therefor; to amend Section 1637 of the Code and Section 1612 of the Supplement to the Code, 1907; to repeal Section 1618-b of the Supplement to the Code, 1907, relating to corporations for pecuniary profit.

Also:

Senate File No. 404, a bill for an act providing for the inside finishing and completion of the historical, memorial and art building, and making an appropriation therefor.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor, and providing a penalty for the violation thereof.

Also:

Senate File No. 161, a bill for an act to amend Chapter 120 of the Laws of the Twenty-sixth General Assembly, by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000.00) to aid therein.

Also:

Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield, in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

Also:

Senate File No. 251, a bill for an act to amend the law as it appears in subdivision 4 of Section 138 of the Supplement to the Code, 1907, and Section 139 of the Code, relating to printing.

Also:

Senate File No. 184, a bill for an act to repeal Section 1615 of the Code, 1907, Sections 1610, 1618 and 1641-d of the Supplement to the Code, 1907, and enact substitutes therefor; to amend Section 1637 of the Code and Section 1612 of the Supplement to the Code, 1907; to repeal Section 1618-b of the Supplement to the Code, 1907, relating to corporations for pecuniary profit.

Also:

Senate File No. 404, a bill for an act providing for the inside finishing and completion of the historical, memorial and art building, and making an appropriation therefor.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 379, a bill for an act to amend the law as it appears in Section 5718-a-18 of the Supplement to the Code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles.

HENRY L. ADAMS,
Chairman.

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 379, a bill for an act to amend the law as it appears in Section 5718-a-18 of the Supplement to the Code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the joint committee as provided by Senate Joint Resolution No. 7, relative to the appointment of a joint committee to purchase a chair and gavel for the President of the Senate and Speaker of the House.

C. R. BENEDICT,
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. 434, a bill for an act to provide for the general levy for State purposes for the years 1909 and 1910.

C. R. BENEDICT,
Chief Clerk.

HOUSE MESSAGES CONSIDERED.

Senate File No. 434, a bill for an act to provide for the general levy for state purposes for the years 1909 and 1910.

Passed on file.

Senate Joint Resolution No. 7, relative to the appointment of a joint committee to purchase a chair and gavel for the President of the Senate and Speaker of the House.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 549, a bill for an act to repeal Sections nineteen hundred fifty-five (1955) and nineteen hundred fifty-six (1956) of the Code and to enact substitutes therefor, and to amend Section nineteen hundred fifty-nine (1959) of the Code, all relating to the construction of levees, ditches or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.

Also:

House File No. 93, a bill for an act to amend the law as it appears in Section five thousand two eighty-nine (5289) of the Code by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments waived if not made before swearing the jury on the trial of the case.

Also:

House File No. 383, a bill for an act to prohibit any person, company, partnership, association or corporation, engaged in any business, or owning or operating any business, from combining or entering into any agreement, contract, trust or pool to fix the prices at which any commodity or any article of commerce is to be sold, or to prevent the free action of competition in buying of any commodity or any article of commerce, or the selling of any commodity or any article of commerce, and to provide punishment for the violation of this act.

Also:

House Joint Resolution No. 9, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Also:

House File No. 379, a bill for an act providing for the publication of the proceedings of city or town councils.

Also:

House File No. 405, a bill for an act to amend Section twenty-five hundred and seventy-five-a-thirty-one (2575-a-31) of the Supplement of the Code. And to repeal Section twenty-five hundred and seventy-five-a-twenty-nine (2575-a-29) of the Supplement to the Code relative to the qualifications of nurses and enacting a substitute therefor.

Also:

House File No. 524, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth representative district of Iowa, the twenty-sixth (26) representative district of Iowa, the forty-fifth (45) representative district of Iowa, the fifty-ninth (59) representative district of Iowa and the sixty-seventh (67) representative district of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contests.

Also:

House File No. 485, a bill for an act to repeal Section eighteen hundred seventy-five (1875) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to banks and banking.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 333, a bill for an act to amend the law as it appears in Sections 2310-a-19 and 2310-a-28 of the Supplement to the Code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to the State hospitals and repealing Section 2310-a-30 of the Supplement to the Code, 1907, and enacting a substitute therefor, relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospitals for inebriates.

Also:

Senate File No. 212, a bill for an act to require every person, company or corporation owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

Also:

Senate File No. 298, a bill for an act limiting the number of persons to whom city or town councils may by resolution grant consent to sell intoxicating liquors and to prohibit any person who shall be convicted or enjoined for violating the laws of this State relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof.

Also:

Senate File No. 113, a bill for an act to amend the law as it appears in Section 1087-a1, 1087-a5, 1087-a6, 1087-a10, 1087-a12, 1087-a14, 1087-a19, 1087-a21, 1087-a22, 1087-a23, 1087-a24, 1087-a25, 1087-a26 and 1087-a27 of the Supplement to the Code, 1907, and to repeal the law as it appears in Section 1087-a13, 1087-a15, 1087-a18 of the Supplement to the Code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties.

Also:

Senate File No. 432, a bill for an act appropriating \$200.00 to the Williamsburg Fair Association under the provisions of Section 1661-a of the Supplement to the Code.

Also:

Senate File No. 59, a bill for an act to amend Section 2394 of the Code, relating to the sale of intoxicating liquors by permit holders.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Chapman moved that a committee of three be appointed to notify the Governor that the Senate was ready to adjourn sine die.

Carried.

The President announced as such committee: Senators Chapman, Van Law and Clarkson.

Senate took a recess subject to the call of the President.

President pro tem Smith called the Senate to order.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, from the Joint 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. 333, a bill for an act to amend the law as it appears in Sections 2310-a-19 and 2310-a-28 of the Supplement to the Code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to the State hospitals and repealing Section 2310-a-30 of the Supplement to the Code, 1907, and enacting a substitute therefor, relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospitals for inebriates.

Also:

Senate File No. 212, a bill for an act to require every person, company or corporation owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

Also:

Senate File No. 298, a bill for an act limiting the number of persons to whom city or town councils may by resolution grant consent to sell intoxicating liquors and to prohibit any person who shall be convicted or enjoined for violating the laws of this State relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof.

Also:

Senate File No. 113, a bill for an act to amend the law as it appears in Section 1087-a1, 1087-a5, 1087-a6, 1087-a10, 1087-a12, 1087-a14, 1087-a19, 1087-a21, 1087-a22, 1087-a23, 1087-a24, 1087-a25, 1087-a26 and 1087-a27 of the Supplement to the Code, 1907, and to repeal the law as it appears in Section 1087-a13, 1087-a15, 1087-a18 of the Supplement to the Code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties.

Also:

Senate File No. 432, a bill for an act appropriating \$200.00 to the Williamsburg Fair Association under the provisions of Section 1661-a of the Supplement to the Code.

Also:

Senate File No. 59, a bill for an act to amend Section 2394 of the Code, relating to the sale of intoxicating liquors by permit holders.

HENRY L. ADAMS,

Chairman Senate Committee.

GERRIT KLAY,

Chairman House Committee.

Adopted.

Senator Larrabee, from the Joint Committee appointed to secure chair and gavels for the President of the Senate and the Speaker of the House, submitted the following report and moved its adoption:

Your committee appointed for the purpose of securing chairs and gavels for the President of the Senate and the Speaker of the House begs leave to report:

That the chair occupied by the President of the Senate and the gavel used by him in presiding over the deliberations of the Senate be presented to him.

And that the chair occupied by the Speaker of the House and the gavel used by him in presiding over the deliberations of the House be presented to him.

Respectfully submitted,

FREDERIC LARRABEE,
F. L. MAYTAG,
JOHN T. CLARKSON,
PAUL E. STILLMAN,
F. A. O'CONNOR.

Adopted.

Senator Larrabee moved that a committee of three be appointed to escort the President of the Senate to his desk.

Carried.

President pro tem Smith announced as such committee: Senators Larrabee, Adams and De Wolf.

The committee escorted the President to his station.

Senator Larrabee, on behalf of the committee, in a few well chosen remarks as to the able, fair and impartial manner in which the President had presided during the session, made the presentation of the chair and gavel with the esteem and best wishes of the Senate.

President Clarke responded as follows:

Senators—One never knows what to say on such an occasion as this. I would, however, be a very strange sort of a creature indeed if I did not deeply appreciate the very kind words you have spoken. The good will and esteem, the friendship and confidence of right-minded, right-thinking men, constitute the most valuable asset one can possibly possess. I hope I have these in some degree, for I know the extent to which they are mine is doubtless the measure of all I am entitled to. I am perfectly conscious that your keen discernment has discovered all my frailties and weaknesses, yet during this session you have generously and patiently passed them all by. You have all been

very kind and this occasion affords me an opportunity to assure you of my very sincere appreciation of it.

In accordance with a long established custom, and in the exercise of your sovereign power, of which I spoke at the beginning of the session, you have presented me the chair and gavel which I have used since I assumed the duties of my office. The custom is a beautiful one, since I have no doubt the intention is to confer them as souvenirs of the office and mementos of the days during which they were used. The associations connected with them give them a very special and very great value to the recipient. In them are embodied all the events of the session and around them are clustered the recollections of every Senator. No more generous-minded or better-intentioned body of men in the legislature of any State was ever called to order by means of the gavel than the body that has come to order at the sound of this gavel which I hold in my hand. No better citizenship ever assembled in any Senate. No gavel was ever used in the Senate of any State more beautiful than Iowa, or greater in her promise for the future, or in the hopes of her people. In addition, therefore, to the associations which will ever cluster around this gavel for me, it has a distinction of which I am very proud. It has another element that gives it great intrinsic value: It was once a part of this great building in which we now sit. It is made of oak and from a stick that was charred and partially burned in the fire that swept through the north wing of the capitol just before the assembling of the legislature in 1904. It is, therefore, greatly prized for its historic interest.

This chair, which by reason of your graciousness I suppose I may now call mine, will, through the coming years of my life, invite to comfort and suggest many pleasing reminiscences. If many years should be vouchsafed to me, I can imagine myself in the evening of life, when its activities are all over, sitting alone by my window in this chair, a very old man, contemplating the inexpressible beauty and glory of one of our Iowa summer sunsets, dreaming of days long gone by, recalling the names and faces of the Senate of the Thirty-third General Assembly and the incidents of the session now just closing. There it is out there, that glorious sunset. No painter can ever transfer to canvas its surpassing beauty. The great cloud mountain, lying out there as the sun goes down, graceful in its outline, touched with purple, violet, crimson and gold, the blaze of lightning sometimes playing intermittently upon its rugged sides, lighting up the dark shadows, and the whole ever changing into new forms of beauty,—peaks, monuments, domes, minarets, spires, new combinations of coloring, the whole west resplendent with glory as the day glides away into the shadows of the night. What a splendid vision! And the old man, closing a long, long life as the day closes, the evening shadows gathering about him, as he sits in this chair, falls into a reverie and lives among the memories and shadowy forms of the past suggested by its associations. Where are they? Here, there, gone. Doubtless he will sigh,—

“O, for the touch of a vanished hand,
And the sound of a voice that is still.”

The memories of an old man,—fragrant, pleasing, sweet—some of them, however, sometimes otherwise, because life has its waters bitter and its waters sweet. What a cluster of memories and associations are woven by the loom of the years to be carried in the closing days of a long, long life. But the memories and associations suggested by this chair down yonder in the distant years, if they should be mine, cannot be otherwise than the most agreeable and delightful. The memory of my relations with each individual Senator will be most pleasing. There have been contentions and debates during the session but because of them we grow and reach the best things. I think the utmost good will and very best wishes prevail among all. And now, whether the long life I have spoken of shall be mine or not, I sincerely wish for each one of you a long, long, prosperous and very happy life.

My inclination is to talk longer, but I must not. For the forbearance and kindness which have been mine at your hands, I again sincerely thank you. I thank you for these souvenirs of my office, the associations that will ever be with them, and assure you that I shall ever hold them, preserve them and cherish them in memory of each one of you and of the days we have spent together in this chamber.

Senators Gilliland, Smith of Mitchell, Clarkson and Sammis addressed the Senate in a few appropriate remarks for the occasion.

The committee appointed to wait upon the Governor announced that they had performed that duty, and that the Governor had no further communications to present.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 407, a bill for an act to legalize the acts of John Menz, as treasurer of Lee county by reason of deposits of county and other funds in the Commercial Bank of Keokuk, Iowa.

Also:

Senate File No. 433, a bill for an act to make appropriations for the payment of State and judicial officers and State and other expenses.

Also:

Senate File No. 434, a bill for an act to provide for the general levy for State purposes for the years 1909 and 1910.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Clarkson moved that the remarks of the President be ordered printed in the Journal.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 407, a bill for an act to legalize the acts of John Menz as treasurer of Lee county by reason of deposits of county and other funds in the Commercial Bank of Keokuk.

Also:

Senate File No. 433, a bill for an act to make appropriations for the payment of State and judicial officers and State and other expenses.

Also:

Senate File No. 434, a bill for an act to provide for the general levy for State purposes for the years 1909 and 1910.

HENRY L. ADAMS,
Chairman Senate Committee.

GERRIT KLAY,
Chairman House Committee.

Adopted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 167, 425, 404, 358, 251, 379, 374, 383, 350, 414, 429, Joint Resolution No. 5, Senate Files Nos. 426, 362, Joint Resolution No. 7, Senate Files Nos. 405, 148, 176, 418, 333, 407, 312, 434, 59, 298, 113, 432, 433 and Joint Resolution No. 6, and House Files Nos. 524, 549, 405, 485, 379, 93, 383, 130 and House Joint Resolution No. 9.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Adams, 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. 333, a bill for an act to amend the law as it appears in Sections 2310-a-19 and 2310-a-28 of the Supplement to the Code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to the State hospitals and repealing Section 2310-a-30 of the Supplement to the Code, 1907, and enacting a substitute therefor, relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospital for inebriates.

Also:

Senate File No. 212, a bill for an act to require every person, company or corporation owning or operating a street railway in this State, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof.

Also:

Senate File No. 298, a bill for an act limiting the number of persons to whom city or town councils may by resolution grant consent to sell intoxicating liquors and to prohibit any person who shall be convicted or enjoined for violating the laws of this State relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof.

Also:

Senate File No. 113, a bill for an act to amend the law as it appears in Section 1087-a1, 1087-a5, 1087-a6, 1087-a10, 1087-a12, 1087-a14, 1087-a19, 1087-a21, 1087-a22, 1087-a23, 1087-a24, 1087-a25, 1087-a26 and 1087-a27 of the Supplement to the Code, 1907, and to repeal the law as it appears in Sections 1087-a13, 1087-a15, 1087-a18 of the Supplement to the Code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties.

Also:

Senate File No. 432, a bill for an act appropriating \$200.00 to the Williamsburg Fair Association under the provisions of Section 1661-a of the Supplement to the Code.

Also:

Senate File No. 59, a bill for an act to amend Section 2394 of the Code, relating to the sale of intoxicating liquors by permit holders.

Also:

Senate File No. 374, a bill for an act to amend Section 125 of the Supplement to the Code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.

Also:

Senate File No. 350, a bill for an act to prevent placing obstructions on the street, alleys and highways and providing a penalty therefor.

Also:

Senate File No. 338, a bill for an act to amend the law as it appears in Section 1060 of the Code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

Also:

Snate File No. 418, a bill for an act providing for the removal of appointive State officials, members of boards, members of commissions, commissioners and persons appointed by the same.

Also:

Senate File No. 148, a bill for an act to amend the law as it appears in Section 510-a of the Supplement to the Code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

Also:

Senate File No. 414, a bill for an act authorizing street improvements in incorporated towns having a population in excess of one thousand, and providing for the levy of special assessments therefor additional to Title 5 Chapter 7 of the Code as amended.

Also:

Senate File No. 176, a bill for an act to amend the law as it appears in Section 586 and Section 894 of the Supplement to the Code, 1907, relating to the levy of cemetery tax.

Also:

Senate File No. 362, a bill for an act to repeal Section 1415 of the Code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.

Also:

Senate File No. 429, a bill for an act to amend the law as it appears in Section 1989-a-14 of the Supplement to the Code, 1907, relating to proceedings after decision upon appeal.

Also:

Joint Resolution No. 6, fixing the number and compensation of employes in the department of State at the seat of government

Also:

Joint Resolution No. 5, approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the State College of Agriculture and Mechanic Arts.

Also:

Senate File No. 358, a bill for an act prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor and providing a penalty for the violation thereof.

Also:

Senate File No. 161, a bill for an act to amend Chapter 120 of the Laws of the Twenty-sixth General Assembly, by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000.00) to aid therein.

Also:

Senate File No. 425, a bill for an act to legalize the acts of the board of directors of the school township of Garfield, in the County of Clay, and State of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

Also:

Senate File No. 251, a bill for an act to amend the law as it appears in subdivision 4 of Section 138 of the Supplement to the Code, 1907, and Section 139 of the Code, relating to printing.

Also:

Senate File No. 184, a bill for an act to repeal Section 1615 of the Code, 1907, Sections 1610, 1618 and 1641-d of the Supplement to the Code, 1907, and enact substitutes therefor; to amend Section 1637 of the Code and Section 1612 of the Supplement to the Code, 1907; to repeal Section 1618-b of the Supplement to the Code, 1907, relating to corporations for pecuniary profit.

Also:

Senate File No. 404, a bill for an act providing for the inside finishing and completion of the historical, memorial and art building, and making an appropriation therefor.

Also:

Senate File No. 379, a bill for an act to amend the law as it appears in Section 5718-a-18 of the Supplement to the Code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles.

HENRY L. ADAMS,
Chairman.

Adopted.

Senator Gilliland filed the following motion:

I move a vote of thanks on the part of the Senate to the desk employes of this body for the efficient and faithful manner in which they have performed their duties.

Carried.

Senator Hoyt, from the Special Committee appointed to draft suitable resolutions commemorative of the life of the Hon. William G. Donnan, submitted the following report and moved its adoption:

MR. PRESIDENT—Your special committee appointed to prepare suitable memorial resolutions relative to the life, character and public service of the late William G. Donnan of Buchanan County; beg leave to submit the following report:

William G. Donnan was born in West Charlton, Saratoga County, New York, June 30, 1834. He was the son of Alexander and Elizabeth McKindley Donnan. At the age of seventeen years Mr. Donnan entered the Cambridge Academy, in New York and later Union College, in Schenectady, New York, from which institution he was graduated with honor in the classical course in 1856. In the fall of the same year he came to Independence, Iowa, and in October of 1857 was united in marriage to Miss Mary C. Williamson at her father's home near Hopkinton, Iowa. Two sons were born to them, William W. who died November 1, 1906 and Donald D.

Mr. Donnan began the study of law soon after his arrival in Independence, was admitted to the bar in 1857, and was at once elected to the office of treasurer and recorder of Buchanan County which office he filled for two terms.

In August he volunteered his services in the Civil War enlisting as private in the 27th Iowa Infantry, was commissioned Second Lieutenant, brevetted Captain and Major for efficiency in the field and later served as Adjutant General for General J. I. Gilbert. He was honorably mentioned in many official reports and was mustered out of service August 8, 1865.

Mr. Donnan's legislative services began in 1867, when he was elected to represent his district in this body. Here his peculiar fitness for legislative work was so manifest that he was elected to Congress in 1872 and again in 1874. At the end of his second term as congressman he refused re-nomination and was offered a diplomatic position by President Grant but declined the honor.

Mr. Donnan was delegate to the Nation Convention that nominated President Hayes and was delegate at large to the convention that nominated James A. Garfield. He was again elected to represent the Buchanan-Delaware Senatorial District in the Twentieth and Twenty-first General Assemblies and during these sessions introduced a bill to prohibit the liquor traffic which bill was the foundation of the present prohibitory law.

In 1875 Mr. Donnan was elected director of the First National Bank of Independence, Iowa, and in 1903 was elected unanimously president of that institution which position he held until his death which occurred December 7, 1908. As a man of the highest integrity and of broad judgment he occupied a very high place in his state and the community in which he lived.

Therefore be it Resolved, That in the death of Mr. Donnan the state has sustained the loss of an able and conscientious public servant and statesman; the legal fraternity a gifted jurist and the community in which he lived a wise councillor and a faithful friend.

Resolved, That these resolutions be entered in the Journal of the Senate and each member of the family be furnished an engrossed copy by the Secretary of the Senate.

E. H. HOYT,
W. P. WHIPPLE,
JOHN FOLEY,
Committee.

Adopted.

The resolutions were adopted by a rising vote.

Senator White, from the Special Committee appointed to draft suitable resolutions commemorative of the life of the Hon. Samuel H. Fairall, submitted the following report and moved its adoption:

MR. PRESIDENT—Your committee appointed to draft and present resolutions commemorative of the life, character and public services of the Hon. Samuel Husband Fairall, late a member of the House of Representatives in the Ninth General Assembly and in the Senate in the Twelfth, Thirteenth, Fourteenth and Fifteenth General Assemblies, beg leave to submit the following as their report:

Samuel Husband Fairall was born in Allegany County, Maryland, June 21, 1835. He was fifth in direct descent from Samuel Snowden, who was a member of Prince George's County Committee, to carry into execution the association of the Continental Congress. His ancestors, Richard Snowden, was captain of the provincial forces, 1700 to 1703. After attending various academies he entered Washington College, at Washington, Pennsylvania, from which he graduated in June 1855. Resolving to enter the legal profession at Iowa City, Iowa, he left Maryland and on October 1, 1855, he reached Iowa City. Mr. Fairall entered the office of William Penn Clark, to study law. Mr. Clark was Supreme Court Reporter at this time. On June 21, 1856, he was admitted to practice in the Supreme Court on a certificate signed by ex-Judge J. C. Hall, James Love, afterward judge of the United States District Court, and Colonel Sam Marshall. In November, 1856, the young lawyer wedded Miss Ellen J. Workman, whom he wooed and won during his college days at Washington, Pennsylvania. They moved to the old homestead, east of Iowa City, in 1858, where they have since resided, raising a family of five sons and two daughters. There a few years ago, Mrs. Fairall passed away. Leaving the law office of Mr. Clark, Mr. Fairall, in 1858, formed a partnership with Hon. J. B. Templin, one of the oldest and most prominent members of the bar. In 1861 he formed a partnership with Hon. Geo. J. Boal, until 1873, the firm becoming one of the prominent law firms of the west, having a large lucrative practice in state and federal courts.

After 1873, Mr. Fairall continued in the practice of law until elected Judge of the Eighth Judicial District in 1886. In 1890 he was re-elected. In that responsible position he made a splendid record, winning the highest commendation for judicial acumen and fairness from the practicing attorneys and received very few reversals of his decisions from the supreme court of the state. In December, 1893, he resumed the active practice of law and continued until the time of his death. As a lawyer, especially

in the trial of many noted criminal cases in all parts of Iowa, he made a reputation which was not confined to his own state. He was eloquent and had that dramatic power and magnetism which impressed a jury with his extensive legal knowledge, was combined enough humor to make his pleas in nearly every case successful. Among the brilliant and profound lawyers of Iowa, he will always be ranked among the leader.

In 1861, Mr. Fairall became a candidate for the House of Representatives as a Douglas democrat and though the normal republican majority in Johnson county was six hundred, he was elected by twenty-seven majority. His colleague, Hon. Rush Clark, Speaker of the House, put him on the Judiciary, Corporation and other important committees. Several important acts were passed at this session and the records show that Mr. Fairall took an active part in their enactment. He declined a re-nomination, but in 1864, he was elected a member of the county board of supervisors, and served until 1866, as agent for the relief fund to provide for the needs of the families of many of the enlisted soldiers of the Union army who were destitute. He issued orders for \$8,000 more than the board had fixed, but the generous action was condoned by the board and never forgotten by "The Boys in Blue" and their families. Mr. Fairall was also largely instrumental while on the board of settling the railroad bond of indebtedness of the county. In 1867 he was elected State Senator. In the Senate he was chairman of the committee to recommend many amendments to the practice act, which were adopted and are now part of the Code of 1897. In 1871 he was re-elected State Senator, though his opponent was the great republican statesman, Hon. S. J. Kirkwood. It was largely due to his eloquent addresses and potent influence among his brother senators that legislative aid was given to the State University to establish the law and medical department, and the friends of that institution will ever remember the faithful work done for it by Senator Fairall. Though never a bitter partisan he was a prominent leader in his party, having been a delegate to the state convention for almost fifty years. He presided at the state convention which sent him as a delegate to the Nation Convention that nominated Horatio Seymour, for president in 1868.

Judge Fairall was for many years an active and efficient member of Trinity Episcopal Protestant Church in Iowa City, Iowa, and one of its devoted and faithful vestrymen. The popularity of Judge Fairall among all classes of people was due to his genial, friendly disposition. His brother lawyers testified to his courtesy, his willingness to accomodate, his fraternal feeling. As one of Iowa's great lawyers his name will ever be prominent in the history of the state.

In the winter of 1874 the Iowa Senate appointed Senator Fairall a member of the committee to visit northwest Iowa and investigate the conditions of the settlers brought to distress by the grasshopper affliction of the previous summer. Northwest had reason to gratefully remember Judge Fairall. His sympathies were keenly aroused and he became a powerful friend in the hour of dire need. Adjutant General Baker engaged in organizing relief for those who were suffering for food and clothing. Senator Fairall encouraged the movement and heartily enlisted in the

work to secure from the General Assembly an appropriation to purchase seed for the spring planting. The constitutionality of such appropriation was questioned but Senator Fairall argued the point in a convincing speech and won the case for the settlers. The men and women who passed through that experience are rapidly diminishing, but they should keep green the memory of Sam Fairall and look to it that the survivors do not suffer forgetfulness. Judge Fairall stood high in his profession. He loved men and loved life. Even the poorest found in him a friend and helper, and his love for brothers, sisters, children and grandchildren was a genuine affection.

On March 8, 1909, Judge Fairall passed away at his home in Iowa City, one that he had occupied for over fifty years, and on March 10, he was quietly laid away to eternal rest in the family lot in beautiful Oakland. The masonic fraternity, of which he was a member, being in charge of the ceremony, which were in accordance with the beautiful rites of the order. Peace to his ashes.

WHEREAS, His life, character and services to the state were such as to entitle him to the confidence and esteem of his fellow citizens.

Resolved, That in the death of this prominent citizen, his city, county and state has suffered the loss of an active, energetic and influential citizen and his family the loss of a kind and indulgent father.

Resolved, That we do hereby extend to his children and those near and dear to him our sincere sympathy in this hour of sorrow, and,

Be it further resolved, That these resolutions be entered in the Journal and that the Secretary of the Senate be instructed to mail an engrossed copy of these resolutions to the family of the decedent.

J. A. WHITE,

J. H. ALLEN,

J. D. BROWN,

Committee.

Adopted.

The resolutions were adopted by a rising vote.

Senator Hunter, from the Special Committee appointed to draft suitable resolutions commemorative of the life of the Hon. Joseph S. Lawrence, submitted the following report and moved its adoption:

MR. PRESIDENT—Your committee appointed to draft resolutions upon the life and services of the Honorable Joseph S. Lawrence, late of Sioux City, Iowa, beg leave to submit, herewith, the following report:

Joseph S. Lawrence was born in Brooklyn, New York, October 12, 1853 and was a son of the late William Spencer Lawrence, born in Providence, Rhode Island, 1824 and Mary Jane Lawrence, Nee Mangam, born in Hyde Park, New York, 1825.

After the completion of an academic course of study in his native city he entered Madison University at Hamilton, New York, from which institution he was graduated in 1875. Immediately following his graduation he took up the study of law in the office and under the direction of

Henry L. Clinton of New York and later pursued a course in the New York Law University.

He was admitted to the bar in 1877 and began practice in Mohawk, Herkimer County, New York. He removed to Sioux City, Iowa in 1883, where he continued in the practice of law until the time of his death.

In 1875 he was united in marriage with Miss Dorothy Imogene Treadway in Herkimer County, New York. He is survived by her and their two children, Mrs. George W. Avery and William Marshall Lawrence.

In 1892 he became interested in street railway properties in Sioux City and during the years to 1899 affected the consolidation of all the street railway lines of the city under the present Sioux City Traction Company.

This was one of the most important events in the finances of Sioux City and perhaps the greatest accomplishment of his busy career. He was president of the new company and after retiring from the active management, served as general counsel for the company until his death.

For many years he was a prominent figure in Iowa politics.

In 1887 he was elected to the State Senate from Woodbury County and served with distinction in this body during the Twenty-second and Twenty-third General Assemblies.

He was permanent chairman of the Republican State Convention of 1893.

He was always a staunch republican but liberal and broad minded in dealing with the advocates of other policies. He cared but little for office but was always active and intensely interested in the growth and welfare of our state and nation.

He was ever wide awake to the needs of the time and faithful in all trusts placed in his hands, never swerving from the path of duty and rights as he saw it. He rendered his state a faithful service and won for himself credit and honor.

As a lawyer he was learned and able, gifted with good judgment and unusual eloquence and ever loyal to his client.

He was possessed of a large knowledge of men and was a man of large affairs and of wide business experiences.

He was a voracious reader and his collection of books at Elmwood, his suburban home, is one of the largest private libraries in our state.

He died at Sioux City, Iowa, January 8, 1909.

WHEREAS, Honorable Joseph S. Lawrence, a member of this body in the Twenty-second and Twenty-third General Assemblies, departed this life in his home in Sioux City, Iowa, on the 8th day of January, 1909.

Therefore be it Resolved, That the Senate of the State of Iowa has heard with great sorrow and regret of his death and it recognizes that in his departure the State of Iowa has lost one of her honored and useful citizens, who rendered great and lasting service to his state. In his service as a member of this body he was a valued legislator, counselor and servant, distinguished by his ability and eloquence and his integrity in public duty.

Resolved That the Senate of the State of Iowa joins with his neighbors and friends in sorrow and regret and hereby tenders to his family its sincere sympathy in this time of great bereavement.

Be it Further Resolved, That these resolutions be printed in the Journal of the Senate and that an engrossed copy authenticated by the President and Secretary to be sent to the widow and family of the deceased.

ROBERT HUNTER,
C. C. DOWELL,
J. U. SAMMIS,
Committee.

Adopted.

Senator Hunter in moving the adoption of the resolutions spoke as follows:

MR. PRESIDENT—On moving the adoption of the resolutions I wish to say a few words concerning our departed friend. It was my good fortune to have known Senator Lawrence for nearly a quarter of a century. During all of my acquaintances with him he was always the same congenial Joe Lawrence; courteous, dignified and manly.

Some might say he belonged to an aristocracy but if so his was an aristocracy of a splendid intellect, high ideals and a warm and sympathetic heart.

He was ever ready to help the needy in distress without public show or ostentation. He was always willing to give of his splendid abilities, his talents and his energy for the uplifting of all humanity, rich or poor.

He was the prince of orators and his dignified, knightly bearing was eloquent of his manly character.

With many of the idle diversions of life he had little to do. He could absorb himself and the activities of his fertile mind in the midst of his splendid library in the study of nature and in lofty contemplation. To him such things were both work and recreation.

We come today and stand by the new made tomb of our honored and lamented brother and co-worker and lay upon his grave the flower of our appreciation.

As we thus stand on the brink of the dark and trackless valley into which a fellow traveller has disappeared, and we are unable to call back from its depths either the form or voice of him who has entered through its only portal—an entrance impossible to us in life—bereavement can do but little more or better than draw the mantle of sorrow more closely about her and bow the head in silence.

No words can call back our dead; no words drive away bereavement. It is, however, a potent faculty and a beautiful element in human nature which prompts and enables us to keep alive our dead, by the marvelous and blessed power of memory.

So we turn from the forbidding darkness of death to the light and beauty of their remembered life.

As we thus contemplate the virtues of our departed friend he still lives and dwells with us in mighty influence. As unseen and unheard the marvelous laws and forces of nature teach the flower how to grow—the

lily and the rose how to take up out of the soil and mire of earth—the elements of color and form and weave them into such exquisite beauty and fragrance so the gentle, unseen but powerful influences of the splendid lofty characters of our departed friends teach us—the divine element within us—how to grow; teach us in the way we may not perceive or understand how to take up out of the soil and imperfections of our own natures the elements of right, justice, and truth and weave them into a stronger and better manhood—a more beautiful and perfect character of our own.

It is true the eloquent tongue has been stilled; the sympathetic heart beats no more but the influence of his life still live. Even in the startling suddenness of his death he brings to us a most eloquent lesson. "Be ye also ready." Boast not thyself of tomorrow for thou knowest not what a day may bring forth."

The brilliant life, the eloquence, the manly character and the death of Senator Lawrence all bid us, as men and public servants, be strong be active, be brave, be honest, be generous.

Let us hope that the inspiring influence of his character may help us to so shape our lives and conduct that our life work and public service may be well done and may those who come after us be able to place also upon our tombs the beautiful flowers and sweet incense of grateful memories when we likewise are called through the frowning gate and dark valley of death to other worlds, perhaps to worlds of more perfect and more lasting fellowship of higher liberties and greater usefulness.

Mr. President I move the adoption of the resolutions.

The resolutions were adopted by a rising vote.

Senator Wilson, from the Special Committee appointed to draft suitable resolutions commemorative of the life of the Hon. Silas Wright Gardiner, submitted the following report and moved its adoption:

MR. PRESIDENT—Your committee appointed to draft suitable resolutions on the life, character and public service of the late Silas Wright Gardiner of Clinton, Iowa, would respectfully submit the following report and resolutions:

WHEREAS, An all-wise Providence called unto himself on June 13, 1907 his servant, age sixty (60) years nine (9) months and twenty-three (23) days. Honorable Silas Wright Gardiner of Clinton, Iowa, who was an honored member of this Senate in the Twenty-third and Twenty-fourth General Assemblies, *therefore be it resolved*, That this body, recognizing the eminent and valuable services of the deceased in our state, and realizing that he did much as a legislator in our state.

Resolved, That in the death of Hon. Silas Wright Gardiner we are called upon to mourn the loss of an able, efficient and conscientious citizen, one who sought and devoted himself to the good of all and honored by all who knew him. A kind neighbor, a loving husband and father. In remembrance, therefore, we extol and revere the splendid qualities of his generous and noble mind, the high attributes that he showed as an ideal

American citizen and we shall ever cherish the recollections of his manly life.

Resolved, That this body extend to the sorrowing wife and to the family, our sincere sympathy and respect.

Resolved, That these resolutions be printed in the Senate Journal and the Secretary is hereby instructed to mail an engrossed copy of the same to the widow of the deceased.

J. L. WILSON,
E. H. HOYT,
CHARLES GATES,
Committee.

Adopted.

Senator Wilson in moving the adoption of the resolutions spoke as follows:

MR. PRESIDENT—Honorable Silas Wright Gardnier was born at Mt. Carroll, Illinois, August 20, 1846 and came to Clinton in 1867 and entered the employ of C. Lamb & Sons (Lumberman). In 1877 with his father and brother he entered the lumber firm of Gardnier Batchelder and Welles at Lyons, Iowa. In 1890 the two brothers and their brother-in-law L. C. Eashman bought extensive timber tracks at Laurel, Mississippi, and Eashman Gardnier & Co. has become one of the great lumber Co.'s of the country. He was married to Miss Henkle and four children was the result of that union, one son and three daughters, namely Phillip, Mrs. Cox, Mrs. Wisnor and Margerette, the latter at home. He was a member of the Episcopal Church and also 33rd honorary member Scottish Rite Mason and died June 17, 1907, at his home in the city of Clinton, Iowa.

In these days, when men are multiplying the complexities of life, engaging in vain and varied pursuits of the phantom of fame, and raising strange new standards of living, the life of a citizen like Silas W. Gardnier may well be held up as a model for the youth of Iowa. He lived simply and he had no selfish personal ambition to satisfy, but he was content to serve others. He believed in the dignity of plain citizenship, and he preferred it to prompt and circumstance of public office. He believed in the homely virtues of life in gentleness, in devotion to his home, in loyalty to his friends, in patriotism for his country, in the faithful fulfillments of all obligations in the beauty service and duty of usefulness. He not merely believed in these things but practiced them and when he went from this sphere of life he went not empty handed, but leaving a golden harvest of good deeds, Silas W. Gardnier can never be forgotten.

There is sorrow in Silas W. Gardnier's death, but there is far greater rejoicing that he lived and labored among us.

He died June 17, 1907, age 60 years, 10 months, 27 days.

The resolutions were unanimously adopted by a rising vote.

Senator Larrabee, from the Special Committee appointed to draft suitable resolutions commemorating the life of the Hon. Thomas

D. Healy, submitted the following report and moved its adoption :

Mr. President—Your committee appointed to draft resolutions commemorative of the life and services of Ex-Senator T. D. Healy, begs leave to submit the following report:

Thomas D. Healy was born on a farm near Lansing, Iowa, May 25, 1865. In 1883 the family moved to Fort Dodge. He attended St. Joseph's Academy at Dubuque, and later was graduated from the law department of the University of Michigan, immediately thereafter entering the practice of law at Fort Dodge in company with his brother, M. F. Healy. He was married June 16, 1889, to Mary Lucy Huffmann, and to them there have been born three children.

From his first year in the law he was recognized as a man of unusual ability, and his practice was soon extended to all parts of the State. In 1895 he was elected to the State Senate from the 27th Senatorial District, and was elected again in 1899 for a second term, serving in the 26th extra, 27th, 28th and 29th General Assemblies. His ability as a jurist, his rare talent as an orator, and his forceful personality made him a natural leader of men.

However, it was while in the Legislature, that his true worth as a constructive statesman was clearly seen. Before that he was known as a successful young lawyer; but in the Legislature, in association with the leading men of the State, he was soon recognized as one of Iowa's most gifted and able men.

The Board of Control law, by which Iowa's public institutions were rescued from mismanagement and extravagance that came mostly from lack of knowledge and responsibility, was the child of his vision, and was drafted after he and his associates on a special committee had made a comprehensive and convincing report to the Iowa Legislature.

The revising of the Code of Iowa, which had become a tangle of inconsistencies and cumbersomeness, due to its having been added to by many Legislatures, was done after Senator Healy had taken the lead in action. During the time in which the Code was being revised and brought into harmony by the Legislature a field of superb magnitude was given to the master legal minds of the Legislature, and among the few who were acknowledged as such in debate and in pointing out the proper paths was always Tom Healy.

The breadth of his views as a lawyer, the most conspicuous trait of greatness in his profession was revealed then, and all the State welcomed him as an exponent of higher ideals in governmental affairs, and soon he was considered one of Iowa's most worthy and much-trusted directors of public sentiment.

After leaving the Legislature, Senator Healy seemed to prefer not to accept higher honors of a political nature, although his friends were ambitious for his advancement, and he was continually urged to enter the field as a candidate for Governor or for Congress. However, he declined to continue public life and devoted himself to his chosen profession and to business affairs. January 27, 1907, he was appointed by Governor Cummins a member of the Board of Regents of the State University.

During all this time he was constantly exerting his force and energy in advancing the cause of good government, and was ever eager to champion the rights of the common people, and his great influence as an orator, his keen perception and genius in dealing with governmental problems, made him a power for good, for which the people of Iowa will ever be grateful.

Although his extensive business interests occupied most of his time, it was in his own home that one learned his true character. Here with his wife and children he seemed to enjoy himself most, and was ever a kind husband, a loving father and most hospitable friend.

On Christmas day, 1908, he was taken ill, and soon was suffering with the most violent form of pneumonia. After several days of valiant struggle for life, death occurred on the 15th day of January, 1909.

The funeral services were held at Corpus Christi church. There were present many State officers, special committees from the Senate and the House of the Thirty-third (33d) General Assembly and prominent attorneys and acquaintances from all parts of Iowa.

Resolved, That the Senate take this occasion to express its high regard and appreciation of the character and public services of T. D. Healy, and at this time extends to his family its sincere sympathy.

Resolved, That a copy of these resolutions, engrossed and duly authenticated, by the President and Secretary of the Senate, be presented to Mrs. T. D. Healy and family.

FREDERIC LARRABEE,
JAS. A. SMITH,
W. P. WHIPPLE,
WILL C. WHITING,
JOHN L. SULLIVAN,
Committee.

Adopted.

The resolutions were adopted unanimously by a rising vote.

Senator Chapman, from the Special Committee appointed to prepare suitable resolutions commemorative of the life of the Hon. John Russell, submitted the following report and moved its adoption:

MR. PRESIDENT—Your committee appointed to draft resolutions commemorating the life and character and public services of the Hon. John Russell, of Jones county, Iowa, respectfully submits the following:

Hon. John Russell was born in the county of Fife, Scotland, on the 8th day of October, 1821, where he received a common school education. He was very energetic in his interest in the reform wave of Great Britain and was an earnest supporter of the spirit of liberty then struggling for existence in America. On the 28th day of April, 1842, he sailed for America, settling in Columbia county, Ohio. In 1852 he moved to Jones county, Iowa, which place remained his home

until his death. He was an ardent supporter of early republican principles and remained loyal to his party until his death. In 1860 he was elected supervisor of Jones county, becoming chairman of the board. In 1864 he enlisted in the civil war, serving until its close. He was elected to the House of Representatives in the Ninth, Tenth, Eleventh and Thirteenth General Assemblies and was elected Speaker of the Thirteenth General Assembly. In 1871 he was elected Auditor of State and served two terms. He was elected Senator from the 24th district, serving the Eighteenth and Nineteenth General Assemblies. When Congress gave to Iowa the land grant now used by the Iowa State Agricultural College, the Hon. John Russell was elected chairman of the Board of Trustees of the college. It is through his energetic and vigorous methods that we now have the institution at Ames. It was during his administration and largely through his efforts that the law placing permanent school funds in the hands of the county and making the county liable to the State for the interest thereon, was enacted. The law for the regulation of the savings banks was also enacted during his term of office, and to him belongs a great deal of the credit for the law as it then existed.

Mr. Russell died at his home in Onslow, Jones county, October 10, 1908.

Resolved, By the Senate of the Thirty-third General Assembly, that in the death of Hon. John Russell the State mourns the loss of an efficient and honored statesman.

Be it Further Resolved, that a copy of this Resolution be printed in the Journal of the Senate and that the Secretary of the Senate be directed to send an enrolled copy to Margaret Russell at Onslow.

H. R. CHAPMAN,
Chairman.

JOHN FOLEY,

H. C. BURGESS,
Committee.

Adopted.

The resolutions were adopted by a rising vote.

Senator De Armand, from the Special Committee appointed to prepare suitable resolutions commemorative of the life of the late Hon. William O. Schmidt, submitted the following report and moved its adoption:

Mr. President—Your committee appointed to prepare and present resolutions commemorative of the life and services to the State of the late Hon. Wm. O. Schmidt, of Scott county, desire to present the following report:

Whereas, Since the close of the Thirty-second General Assembly death has claimed the Hon. William O. Schmidt, of Davenport, Scott county, therefore be it

Resolved, 'that the Senate of the State of Iowa has learned with profound sorrow and regret of the death of a former member of this body and a distinguished citizen of the State.

Hon. William O. Schmidt was a citizen of the highest ideals, and ever ready with generous purse and kindly hand to advance the welfare of his countrymen and fellows.

As a public servant he was ever faithful to the high trusts reposed in him and at the shrine of duty he was ever a faithful devotee.

In his native city, Davenport, he contributed freely of his time and money to advance every worthy cause for bettering the conditions of the people and substantial evidences of faith in his native city remain as monuments to his judgment and love for the beautiful and the good.

Be it Further Resolved, That a copy of these resolutions be spread on the records of the Senate.

J. A. DE ARMAND,
E. P. McMANUS,
L. B. PARSHALL,
Committee.

Adopted.

Senator De Armand moved the adoption of resolutions and said:

When a man devotes the best years of his life to the services of his city and his State he comes pretty near being a humanitarian. When he leaves behind him when his earthly pilgrimage is at an end as monuments of his life, the gratitude of a devoted people, he leaves that which will last longer than monuments of stone and tablets of brass. William O. Schmidt devoted the too few years of his life to the welfare of the people and the city of his birth and all his energies were bent to make people happy by making them independent and proud of the heritage of freedom and the opportunity to add to the happiness of others. He builded business blocks to give substantial growth to the city of his home and to the associations having for their purpose the growth of the city he gave of his time and money without stint. He was foremost in works of charity and in his social circle he was a prince. In his profession he was an honor and in his private life he contributed to the happiness of others by being the friend of truth and justice and in his untimely death no man left more sincere mourners. He was the soul of honor and in his ambitions he builded upon no man's downfall but gave freely of that wealth of wisdom and good cheer which made his success the pride of those who came in contact with him. His life was an inspiration and his death was a State's loss.

The resolutions were adopted unanionusly by a rising vote.

Senator De Armand, from the Special Committee appointed to prepare suitable resolutions commemorative of the life of the late Hon. W. A. Foster, submitted the following report and moved its adoption:

Mr. President—Your committee named to present suitable resolutions in commemoration of the life and public services of the late Hon. W. A. Foster, of Davenport, report as follows:

Whereas, We do honor to ourselves and our best impulses when we lay aside our daily labors to pay respect to the memory of those who have rendered distinguished service to the public, it is

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William A. Foster, late a member of this body, and that the business of the Senate be now suspended in order that fitting tribute be paid to his memory, and to perpetuate the same, that the following be spread upon our records.

IN MEMORIAM.

William A. Foster.

Born July 24, 1842, at Blue Grass, Iowa.

Died May 25, 1907, at Davenport, Iowa.

Enlisted May 11, 1864, Company "I" 44th Regiment, Iowa Volunteer Infantry, served full term of enlistment in Civil War.

Admitted to practice law in the district court of Iowa as a member of the Scott county bar, October, 1866.

Senator from Scott county from January 1, 1878, to January 1, 1882.

William A. Foster was one of those rare men of his generation who had the happy faculty of greeting all with a pleasant smile, a merry jest or pleasing reminiscence. His apt knowledge of human nature, combined with his great natural talents, redereed him a powerful advocate, and he at once attained prominence as a successful trial lawyer. His exceptional gifts as an orator, and entertainer, caused him to be always in demand on both public occasions and in private gatherings.

As a campaign orator he answered the calls of county, congressional, state and National committees, and toured with Senator John A. Logan and men of that class in speaking campaigns.

On the night of May 4, 1886, there occurred one of the most spectacular scenes that blot the history of the country, known as the Haymarket Riot, and then followed one of the most decisive battles of the law, known as the Chicago Anarchists' case. August Spies, editor of the "Arbeiter Zeitung," was the ablest man of those put on trial and despite the bitterness of public feeling, Mr. Foster as his counsel won the unstinted praise of the profession, the press, and the thinking public for the freedom, fervency, zeal, and the exceptional ability and brilliancy with which he conducted his defense, and Hon. Joseph E. Gary, the presiding judge, in a review of the trial published in 1893, makes special mention of Mr. Foster and his masterful effort on that occasion.

In the celebrated trial for the murder of Dr. Cronin, known as the Clan-na-gael case he successfully defended John F. Beggs, one of the principal defendants, with an ability that is seldom, if ever equalled.

These are a part of the notable events of world-wide significance in which he took part. Space is too short to recount the many achievements which make his life an honor to the State of Iowa.

“Night came,
Releasing him from labor,
When a hand as from the darkness
Touched him—and he slept.”

Senator De Armand moved the adoption of the resolutions and said:

When a man dies who has lifted himself above his fellows and in the battle of life deserved the right to lead, all people bow the head and the grief is general. William A. Foster was an intellectual giant and in his professional career he crossed swords with the best that the west afforded and from judge and the great jury of common people he was crowned a king of legal kings. He was a student who loved his profession and in the effort to master it he sought the largest field and only when the hand of disease lay its mighty weight upon him did he falter at the head of the column. In the western metropolis he sought and found a field equal to his ambition and for nearly a quarter of a century he sat in the councils of the great men of his profession as the idol of the learned and as orator whose eloquence was famed from ocean to ocean. When he felt the approach of the grim monster he came home to the State of his earlier successes and in the evening of his life he put aside the burdens he had borne so illustriously and wrapping the drapery of his couch about him he lay down to eternal sleep, leaving behind him a record of such renown as belongs to few men. He was a tireless worker and a devoted student. He knew no barriers to success but in the books of his profession and in the keen knowledge of human nature made possible by his study of human thought and human action he found his way to the hearts and in his pleas for his clients he secured that “tempering of justice with mercy” to many who in less skillful hands might have been lost in the maelstrom behind barred doors. From a country boy to one of the first criminal lawyers of the west is the record he left behind when his eyes closed in dreamless sleep.

The resolutions were adopted by a rising vote.

Senator Moon, from the Special Committee appointed to draft suitable resolutions commemorating the life of the late Hon. W. A. McIntire, submitted the following report and moved its adoption:

MR. PRESIDENT—Your committee appointed to draft resolutions commemorative of the life and public services of the late W. A. McIntire, formerly a member of the Senate for Wapello County, beg leave to submit the following resolutions and recommend their adoption.

E. G. MOON,
JOHN T. CLARKSON,
JOHN L. WILSON,
Committee.

Adopted.

RESOLUTIONS.

William Anderson McIntire, was born in Wapello County, April 11, 1849. He was educated in the common schools of the state and from early manhood took an active and prominent part in performing the duties devolving upon good citizenship. He especially interested himself in the cause of popular education and was four times elected to the office of county superintendent of the schools of Wapello County, in which position influence contributed to the healthy development of educational interests of his native county. He later engaged in business in Ottumwa, where he made his home until his death on June 13, 1908.

In 1897 he was elected a member of the Senate from the Thirteenth District, in which body he served with honor and distinction.

As a citizen of Iowa, as a representative of the people engaged in the honorable service to which they four times called him by their suffrage, he was able, conscientious and untiring. In his life is exemplified the best traditions of American citizenship. He was tenacious of principle, liberal in thought and uncompromising in the advocacy of right as he saw the right, high minded and generous; a citizen of Iowa of the highest type, maintaining that high standard in all the relations of life. Therefore be it

Resolved, By the Senate, that in the death of Wm. Anderson McIntire, the state has lost a citizen whose virtues and worth render appropriate the recording of these solemn expressions of regret and acknowledgment of loss of the commonwealth of Iowa.

Resolved, That these resolutions be entered on the Journal of the Senate and an engrossed copy thereof be presented to the family of the deceased by the Secretary of the Senate.

On motion of Senator Moon, the resolutions were adopted unanimously by a rising vote.

Senator Larrabee moved that a committee of three be appointed to notify the House that the Senate was ready to adjourn sine die.

Carried.

The President appointed as such committee: Senators Larrabee, Proudfoot and Foley.

A committee from the House appeared and announced that the House was ready to adjourn sine die.

The committee appointed to notify the House that the Senate was ready to adjourn sine die announced that they had performed that duty.

Senator Chapman moved that the Senate of the Thirty-third General Assembly do now adjourn sine die.

Carried.

The hour of 12:00 o'clock, M., having arrived, the President declared the Senate of the Thirty-third General Assembly adjourned sine die.

SENATE BILLS

INTRODUCTION AND ACTION

S. F.	Page	S. F.	Page
1—By Dowell. To establish an insurance department providing for an insurance commissioner and fixing his compensation and terms of office.		5—By Seeley. To grant officers and other employes of the charitable institutions at Mt. Pleasant, Independence, Clarinda, Cherokee, Glenwood, Eldora, Mitchellville, Vinton, Council Bluffs, Davenport, Knoxville and Marshalltown an annual vacation with pay.	
Introduced and referred....	74	Introduced and referred....	123
Reported unfavorably	650	Withdrawn	297
Indefinitely postponed	956		
2—By Saunders. To limit the number of committee clerks to be employed by the general assembly and fixing the qualifications of such clerks.		6—By Cosson. To repeal sections 301, 302, 305, 306 and 307 of the code, relating to the duties and limitations of the county attorney and to enact substitutes therefor.	
Introduced and referred....	122	Introduced and referred....	123
Returned by committee....	1618	Extra copies ordered printed	140
3—By Dowell. To repeal the law as it appears in section 1457 of the supplement to the code and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.		Substitute reported	226, 227
Introduced and referred....	122	Substitute adopted	248
Reported with amendments	237	Amended and passed....	248, 249
Amendments adopted	249, 250	Amended and passed House	677
Amended and passed	250	Passed on file	684
Motion to reconsider filed..	251	Senate concurs	830, 831
Motion to reconsider withdrawn	300, 301	Enrolled	930
*Amended and passed House.	1055	Signed	939
Passed on file.....	1063	Sent to the governor.....	939
Senate concurs	1100, 1101		
Enrolled	1218, 1219	7—By Cosson. To repeal sections 499 and 502 of the code, relating to the duties and powers of the sheriff and his deputy, and to enact a substitute therefor.	
Signed	1223	Introduced and referred....	123
Sent to governor.....	1223	Extra copies printed.....	140
*Erroneously printed "House has passed."		Reported with amendments	200
4—By Peterson. To amend the law as it appears in section 2071 of the 1907 supplement to the code relating to the liability of corporations operating a railway for negligence or wrongs of employes.		Amendments adopted	212
Introduced and referred....	122	Consideration postponed ..	213
Substitute reported	391	Amended and passed	232, 233
Made a special order.....	457	Title amended	233
Substitute adopted	505, 506	Amended and passed House	676
Amended	506	Passed on file.....	685
Passed	506, 507	Senate refuses to concur	829, 830
Amended and passed House	965	House insists	913
Passed on file	965	Conference committee appointed	913, 917
Senate concurs	1077, 1078	Report of conference committee recommending amendments, etc.	1096
Enrolled	1130, 1131	Report adopted	1102
Signed	1147	Amendments adopted.....	1102, 1103
Sent to governor.....	1147	House adopts report, recedes from amendment and adopts amendment recommended by committee...	1227

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Passed on file	1228
Enrolled	1302
Signed	1317
Sent to the governor.....	1317

8—By Cosson. Authorizing the governor to remove officers for misfeasance, malfeasance or nonfeasance in office.	
Introduced and referred...	123
Extra copies printed.....	140
Substitute reported	523, 524
Substitute adopted	598
Amended	598
Considered	599, 600
Consideration postponed ..	600
Motion to reconsider vote on certain amendment filed	622
Consideration resumed	622
Amended	623
Considered	624
Amended	625, 626
Passed	626
Amended and passed House	956
Passed on file.....	965
Senate concurs	1023, 1024
Enrolled	1097
Signed	1120
Sent to the governor	1120

9—By Whipple. Exempting stocks of paint in the hands of jobbers and dealers in the state on January 1, 1908, from the requirements of the law which appears as sections 2510-b, 2510-c, 2510-d, and 2510-h of the supplement to the code, 1907.	
Introduced and referred...	123
Reported with amendment..	256
Amendment adopted	277
Amended and passed	277, 278
Passed House	306
Passed on file.....	306
Enrolled	316, 317
Signed	317
Sent to the governor.....	317

10—By McManus. To amend the statutes of the state of Iowa in relation to the election of the supreme court of the state of Iowa and to increase their number.	
Introduced and referred...	123
Reported unfavorably	1125
Indefinitely postponed	1275

11—By Allen of Van Buren. To amend section four hundred and thirty-three (433) of the supplement of 1907 to the code, relating to the burial of indigent soldiers and sailors.	
Introduced and referred...	124
Reported	209
Amended and passed.....	213, 214
Senate requests House to return	432
House returns	546
Indefinitely postponed.....	549, 550

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12—By Allen of Van Buren. To amend section three hundred thirty-three (333) of the code relating to persons exempt from liability to act as jurors.	

Introduced and referred...	124
Reported with amendments	172, 173
Amended and passed.....	174, 175
Passed House	253
Passed on file.....	256
Enrolled	274, 275
Signed	275
Sent to the governor.....	275

13—By Allen of Van Buren. To amend section twenty-five hundred and fifty-one (2551) of the supplement of 1907 to the code, relating to the protection of birds and game.	
Introduced and referred...	124
Reported unfavorably	770
Made a special order.....	969
Considered	1057
Report of committee not adopted	1058
Amended	1058, 1059
Passed	1059
Motion to reconsider made	1059
Motion to reconsider laid on table	1059

14—By Van Law. To amend the law as it appears in section 725 of the 1907 supplement to the code of Iowa, relative to the regulation and rates of service, and providing for the investigation of water, gas, heat, light or power works or plants, and the operation thereof, and providing for the examination of all books, papers and records kept in connection with the operation of such works or plants for the purpose of regulating and fixing rates and rents for water, gas, heat, light or power and in regulating and fixing charges for meters and other devices used in connection with such works or plants.	
Introduced and referred...	124
Reported unfavorably	547
Amendments reported by sub-committee	547
Indefinitely postponed	686, 687

15—By Saunders. To repeal section (2727-a), supplement to the code, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa.	
Introduced and referred...	135
Reported with amendments	916
Amendments adopted	972
Passed	973
Passed House	1608, 1609
Passed on file.....	1612
Enrolled	1643, 1644
Signed	1650
Sent to the governor.....	1652

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16—By Hammill. To amend the law as it appears in section (2310-a-24) of the supplement to the code, 1907, relating to furnishing intoxicating liquors or narcotic drugs to paroled inebriates.		21—By De Armand. Requiring that all bonds required to be given in any judicial proceeding shall contain a contract for the payment of attorney's fees and providing for their collection.	
Introduced and referred.....	135, 136	Introduced and referred....	136
Substitute reported	474	Reported unfavorably	207
Substitute adopted	486	Indefinitely postponed	207
Amended	486		
Passed	487	22—By Peterson. To amend the law as it appears in section (740) of the 1907 supplement to the code, relating to aiding by taxation the maintenance of any institution of learning or benevolence including hospitals acquired by any county, city, town or school corporation by gift or devise.	
Motion to reconsider filed..	500	Introduced and referred.....	136, 137
Motion laid on table.....	504, 505	Reported with amendments	331
Petition relative to.....	1047	Amendments adopted	359
		Considered	359, 360
17—By Proudfoot. To amend section (3311) of the code, relating to the valuation of personal property.		Made a special order.....	360
Introduced and referred....	136	Amended and passed.....	374, 375
Reported with amendment..	173	Amended and passed House..	616
Amended and passed.....	180	Passed on file.....	628
Amended and passed House	218	Senate concurs	782, 783
Passed on file.....	222	Enrolled	884, 885
Senate refuses to concur...	223	Signed	894
House insists	249	Sent to the governor.....	894
Conference committee appointed	249, 267		
Conference committee recommend that Senate concur in House amendments	1572	23—By Allen of Pocahontas. To amend section (2116) of the code, relating to the duties of railroads as to furnishing transportation.	
Report adopted	1572	Introduced and referred...	137
Senate concurs	1573	Substitute reported	399
House adopts report of conference committee	1655	Substitute adopted	529
Passed on file	1669	Passed	529, 530
Enrolled	1718, 1719	Passed House	1197
Signed	1733	Passed on file.....	1199
Sent to the governor.....	1738	Enrolled	1242
		Signed	1252
18—By Stuckslager. To amend section (3053) of the code of 1897, relating to legal holidays.		Sent to the governor.....	1253
Introduced and made a special order	136		
Considered and passed.....	160	24—By Hammill. To amend section (441) of the 1907 supplement to the code, relative to official papers.	
Passed House	174	Introduced and referred...	137
Passed on file	176	Reported unfavorably	1309
Enrolled	183	Indefinitely postponed	1309
Sent to the governor.....	183		
Signed	183	25—By Moon. To repeal chapter (240) of the acts of the thirty-second general assembly, relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa.	
19—By Sammis (by request). To repeal section (1571) of the code, and to enact a substitute in lieu thereof, relating to traction engines on public roads.		Introduced and referred...	137
Introduced and referred....	136	Reported with amendments..	173
Reported unfavorably	904	Amendments adopted.....	175, 176
Indefinitely postponed	905	Passed	176
		Passed House	217
20—By De Armand. To define an "absentee" and to provide for the care and management of the estate of such absentee and for the distribution of his or her estate by an administrator or executor.		Passed on file	222
Introduced and referred....	136	Enrolled	274
Substitute reported	309	Signed	275
Rereferred	337	Sent to the governor.....	275
Reported unfavorably	371		
Indefinitely postponed	371		

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26—By De Armand. To repeal section (481) of the code, relating to compensation of deputy auditors and enacting a substitute therefor.	
Introduced and referred....	137
Reported unfavorably	967
Indefinitely postponed	967
27—By De Armand. To repeal section (496) of the code, relating to the compensation of deputy recorders and enacting a substitute therefor.	
Introduced and referred....	137
Reported unfavorably	967
Indefinitely postponed	967
28—By Quigley. To provide for the payment of bounty for the destruction of rattlesnakes.	
Introduced and referred....	138
Substitute reported	224
Substitute adopted	236
Amended and passed....	236, 237
Passed House	490
Passed on file	501
Enrolled	548, 549
Signed	564
Sent to the governor....	564
29—By De Armand. To repeal section (491) of the code relating to compensation of deputy treasurers and enacting a substitute therefor.	
Introduced and referred....	138
Reported unfavorably	967
Indefinitely postponed	967
30—By Gilliland. To repeal section (1571) of the 1907 supplement to the code, relating to steam engines on roads and to enact a substitute therefor.	
Introduced and referred....	138
Reported	154
Considered	180
Amended	181
Motion to reconsider amendment filed	181, 183
Consideration postponed ..	181
Rereferred	188
Reported unfavorably	904
Indefinitely postponed	904
31—By Fitchpatrick. Requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the secretary of state.	
Introduced and referred....	138
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Made a special order.....	972
Substitute adopted....	1091-1094
Amended	1094, 1095
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Reconsidered	1268
Amended ..	1268, 1269, 1270, 1271
Passed	1271
Passed House	1358
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Enrolled	1498, 1499
Signed	1508

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32—By De Armand. To repeal section (510) of the code, relating to compensation of deputy sheriffs and enacting a substitute therefor.	
Introduced and referred....	138
Withdrawn	153
33—By Gilliland. To amend chapter (4), title (7), of the code, relating to the collection of tax upon inheritances.	
Introduced and referred....	140
Reported with amendments..	307
Amendments adopted	307
Consideration postponed ..	308
Amendment offered	319
Rereferred	320
Substitute reported	351
Substitute adopted and passed	384, 385
House indefinitely postpones	1362
Passed on file	1369
34—By Hunter. To provide for the taxation of mortgages on real property.	
Introduced and referred....	153
Extra copies printed.....	346
Reported unfavorably	1453
Indefinitely postponed	1453
35—By Van Law. To amend the law as it appears in subdivision (2) of section (2448), of the 1907 supplement to the code, relative to the location of places wherein intoxicating liquors are sold.	
Introduced and referred....	153
Substitute reported	788
Substitute adopted	815, 816
Considered and passed.....	816, 817
36—By Dowell. To appropriate money for the use of the industrial school for girls at Mitchellville, Iowa.	
Introduced and referred....	155
37—By Nichols. To repeal section (1366) of the code and enact a substitute therefor relative to assessment rolls.	
Introduced and referred....	155
Reported with amendments	207
Amendments adopted	263
Passed	264
Passed House	428
Passed on file	429
Enrolled	463, 464
Signed	464
Sent to the governor.....	464
38—By Allen of Pocahontas. To establish the office of commerce council and defining the powers and duties of the same.	
Introduced and referred....	155
Substitute reported	1109
Made special order	1148
Substitute adopted	1303
Amended	1303, 1304
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Substitute offered	1589
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Substitute amendment adopted	1664
Lost on passage	1664, 1665
Petition relative to	1194, 1230, 1254, 1287
39—By McManus. To amend sec- tions (2551) and (2561) of the code of Iowa, rela- tive to the protection of game. Introduced and referred....	155
Reported unfavorably	686
Indefinitely postponed	686
40—By Chapman. To appropri- ate money for the use of the reformatory at Ana- mosa, Iowa. Introduced and referred....	156
41—By Bruce. To repeal sec- tions (1570-b) and (1570- c) of the supplement to the code and enacting a substitute therefor, and requiring the township trustees to maintain earth roads with a drag and to contract for the use of the same, and to provide penalties for injury to such road or the work done thereon. Introduced and referred....	156
Reported unfavorably	856
Indefinitely postponed.....	856, 857
42—By Moon. To amend section (4600-a) of the 1907 sup- plement to the code, rela- tive to the compensation of justices of the peace and constables in town- ships having a population of 22,000 and under 35,- 000. Introduced and referred....	158
Substitute reported	186
Substitute adopted and passed	187, 188
Amended and passed House	281
Senate concurs	290
Enrolled	303, 304
Signed	304
Sent to the governor.....	304
43—By Maytag. Making an ap- propriation to pay the ad- ditional employes of the thirty-third general as- sembly.	

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Introduced and referred...	158
Reported	199
Passed	202
Passed House	294
Passed on file	299
Enrolled	316, 317
Signed	317
Sent to the governor.....	317
44—By Maytag. Making an ap- propriation for the pur- chase of (20,000) copies of the railroad commis- sioners official maps to be distributed by the mem- bers of the general as- sembly and railroad com- missioners. Introduced and referred... 158	
Reported	198, 199
Passed	202, 203
Amended and passed House	295
Senate refuses to concur...	299
House insists	322
Passed on file	325
Conference committee ap- pointed	322, 361
Amendment reported	642
Report and amendment adopted	642, 643
Senate adopts House amend- ment	643
House adopts amendment re- ported by conference com- mittee	659
Passed on file	663
Enrolled	723, 724
Signed	732
Sent to the governor.....	733
45—By Smith of Mitchell. Pro- viding a method for the settlement of claims and demands for money or other property held by the state against persons. Introduced and referred... 158	
Reported	173
Passed	233, 234
Passed House	450
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Enrolled	507, 508
Signed	510
Sent to the governor.....	511
46—By DeWolf. Making an ap- propriation for the sup- port and the development of the Iowa state normal school at Cedar Falls. Introduced and referred... 158	
47—By Francis. Repealing sec- tion (5462) of the code of 1897, relating to reversals by the supreme court upon appeal thereto in criminal cases, and providing a substitute therefor. Introduced and referred... 158	
Reported unfavorably	201
Indefinitely postponed	202
48—By Nichols. To amend sec- tion (1661-a) of the sup- plement to the code rela- tive to state aid to coun- ty and district fairs.	

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Introduced and referred	158, 159
Reported with amendments	199
Rereferred	199
Reported with amendments	355
Amendments adopted	378, 379
Passed	379
Passed House	615
Passed on file	627
Enrolled	722, 723
Signed	732
Sent to the governor	733
49—By Francis. To amend section (5438) of the code of 1907, relating to the granting of a new trial and arrest of judgment in criminal cases.	
Introduced and referred	159
Reported unfavorably	201
Indefinitely postponed	201
50—By Hoyt. To legalize the action and proceedings of the city council of the city of Manchester, relative to the boundary line and extent of the limits of said city.	
Introduced and referred	159
Substitute reported	207
Substitute adopted and passed	234, 235
Passed House	450
Passed on file	456
Enrolled	507, 508
Signed	510
Sent to the governor	511
51—By Peterson (by request). To amend section (254-a-2) of the supplement to the code, relating to the compensation of short-hand reporters.	
Introduced and referred	159
Substitute reported	664
Substitute adopted	889
Consideration postponed and made a special order	889
Considered	930, 931
Consideration postponed	931
Amended	934, 935
Passed	935, 936
Passed House	1542
Passed on file	1550
Enrolled	1585, 1586
Signed	1604
Sent to the governor	1605
52—By Seeley. To appropriate money for the use of the Mt. Pleasant state hospital at Mt. Pleasant, Iowa.	
Introduced and referred	159
53—By Gilliland. To appropriate money for the use of the institution for feeble-minded children at Glenwood, Iowa.	
Introduced and referred	159
54—By Francis. For the preservation and improvement of Medium lake and the islands therein, and placing the same within the jurisdiction of the city of Emmetsburg and making appropriation therefor.	
Introduced and referred	159
Reported unfavorably	332
Indefinitely postponed	332

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55—By Hunter. To amend section (2570-a) of the code supplement of 1907, relating to the care of persons infected with contagious disease.	
Introduced and referred	159, 160
Reported and rereferred	201
Reported unfavorably	528
Indefinitely postponed	529
56—By Sammis. To appropriate money for the use of the Cherokee state hospital at Cherokee, Iowa.	
Introduced and referred	162
57—By Whipple—To appropriate money for the use of the college for the blind at Vinton, Iowa.	
Introduced and referred	162
58—By Hammill. To revise, amend and codify the statutes in regard to the public schools.	
Introduced and referred	164
Extra copies printed	183, 242
Reported unfavorably	1283
Indefinitely postponed	1284
59—By Hammill. To amend section (3394) of the code of Iowa relating to the sale of intoxicating liquors by permit holders.	
Introduced and referred	164
Reported	474
Amended	576, 577, 578
Passed	578
Passed House	1741
Passed on file	1742
Enrolled	1764, 1765
Signed	1769
Sent to the governor	1770
Petition relative to	1047
60—By Bennett. To amend chapter (3) of the code of Iowa. To repeal sections (1109) and (1119) thereof and to enact substitutes for said sections relating to the printing and marking of ballots.	
Introduced and referred	164
Reported	401
Returned by committee	1617
61—By Seeley. Requiring the teaching of agriculture to be included in the course of study of the State University of Iowa, the State College of Agriculture and Mechanic Arts and the State Normal School for the purpose of preparing teachers of agriculture and domestic science at the expense of the state in accredited colleges and providing for the teaching of elementary agriculture in the public schools after a specified time and making appropriation therefor.	

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Introduced and referred...	164
Extra copies printed	165
Substitute reported	534
Substitute adopted	656
Amended	656, 657
Passed	658
Title amended	658, 659
62—By Smith of Des Moines. To regulate trust companies, to authorize such companies and state and savings banks to act in a fiduciary capacity and to amend section (1611) of the code relating to corporations.	
Introduced and referred	164, 165
Reported unfavorably	1052
Indefinitely postponed	1052
63—By Francis. Making it the duty of all persons operating vessels propelled by machinery to carry lights during certain hours, providing rules for action upon meeting other vessels and fixing penalty for violation.	
Introduced and referred....	165
Substitute reported	225
Substitute adopted and passed	246
Amended and passed House	423
Passed on file.....	429
Senate concurs	462, 463
Enrolled	507, 508
Signed	510
Sent to the governor.....	511
64—Maytag—Making an appropriation for the salary and expenses of state agents and other expenses incurred under chapter (181) of the acts of the thirty-third general assembly.	
Introduced and referred....	165
Reported unfavorably	441
Indefinitely postponed	441
65—By Saunders. To repeal the law as it appears in section (232) of the 1907 supplement to the code, and enact a substitute therefor, relating to the schedule of times of holding terms of court.	
Introduced and referred...	175
Reported with amendments.	200
Amended and passed	211, 212
Title amended	212
Amended and passed House	295
Senate concurs	300
Motion to reconsider filed..	309
Motion to reconsider lost...	334
Enrolled	343
Signed	343
Sent to the governor.....	344
66—By McManus. To amend section (5716) of the code of Iowa, relative to increasing the salaries of the turnkeys and guards at the Ft. Madison penitentiary.	
Introduced and referred...	175
Reported unfavorably	967
Indefinitely postponed	967, 968

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67—By Cosson. To amend section (5448) of the code, relating to the time in which an appeal may be taken from the final judgment in criminal cases.	
Introduced and referred....	179
Reported with amendment.	199
Amendments adopted	210
Amended and passed	210, 211
Passed House	281
Passed on file	289
Enrolled	303, 304
Signed	304
Sent to the governor.....	304
68—By Gilliland. To repeal section (1306-e) of the supplement to the code, 1907, relating to the issuance of bonds by cities and towns and to enact a substitute therefor.	
Introduced and referred....	179
Reported unfavorably	768
Indefinitely postponed	768
69—By Hunter. To amend section (832) of the code relating to repairs and street improvements or sewer.	
Introduced and referred....	179
Reported unfavorably	430
Indefinitely postponed	430
70—By Hunter. To amend section (1530) of the supplement to the code, 1907, relating to the county road fund.	
Introduced and referred....	179
Reported	209
Considered	235
Consideration postponed	235
Rereferred	275
Reported and rereferred	612
Reported unfavorably	719
Indefinitely postponed	719
71—By Allen of Pocahontas. Providing revenue for the improvement of public highways, creating a county drainage fund for said purpose and providing for the destruction of weeds and noxious weeds on the same and land adjacent thereto; naming the officers whose duty it shall be to enforce the provisions of this act and defining their duties; repealing sections (1528) and (1530) of the supplement of the code, 1907, and enacting substitutes therefor, and repealing sections (1562) and (1562-a) of the supplement to the code, 1907, and repealing sections (1564), (1565) and (5024) of the code.	
Introduced and referred....	179
Reported and rereferred	527
Substitute reported	999
Substitute adopted	1183
Passed	1183, 1184
Amended and passed House	1584

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Passed on file	1593
*Senate concurs	1604
Enrolled	1642, 1643
Signed	1650
Sent to the governor	1651
*Erroneously printed Senate File No. 371.	
 72—By Burgess. Requiring the entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theaters, opera houses, seminaries, colleges and public school buildings to open outward.	
Introduced and referred ...	182
Substitute reported	257
Substitute adopted	278
Amended and passed	278, 279
Amended and passed House	589
Passed on file	592
Senate concurs	670, 671
Enrolled	723, 724
Signed	732
Sent to the governor	733
 73—By Burgess. Limiting recovery for newspapers, magazines and other publications to actual subscribers, and to their terms of subscription therefor.	
Introduced and referred ...	182
Reported unfavorably	201
Indefinitely postponed	201
 74—By Hunter. To amend section (894) of the supplement to the code, 1907, relating to levying special taxes by cities and towns.	
Introduced and referred ...	182
Reported unfavorably	331
Indefinitely postponed	331
 75—By Proudfoot (by request). To repeal sections (16), (17), and (20) of chapter (20) of the acts of the extra session of the twenty-sixth general assembly as the same appear on page (4) of the prefix to the code and enact substitutes therefor; to repeal sections (18) and (19) of chapter (20) of the acts of the extra session of the twenty-sixth general assembly as amended by chapter (1) of the acts of the thirty-first general assembly and as the same appear on page (5) of the prefix to the 1907 supplement to the code and enact substitute therefor; and to repeal sections (42), (43), (44), (45) and (46) of the code and enact substitutes therefor, relating to the distribution and sale of, and accounting for, the codes and session laws.	
Introduced and referred ...	185
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Amended	264, 265
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Amended and passed ...	285, 286
Amended and passed House	490
Passed on file	502
Senate concurs	556, 557
Enrolled	721, 722
Signed	732
Sent to the governor	733
 76—By Bennett. To repeal section (2448-1) of the 1907 revision of the code, and section (2432) and (2445) of the 1897 code, relating to statement of consent, payment of mulct tax and distribution of the same, and enacting substitutes therefor.	
Introduced and referred ...	185
Substitute reported	787
Substitute adopted	820, 821
Amended and passed	821, 822
Passed House	1506
Passed on file	1509
Enrolled	1556, 1557
Signed	1562
Sent to governor	1548
 77—By De Armand. To extend the provisions of section (850-d) of the supplement to the code, relating to park commissioners, to cities of special charter.	
Introduced and referred ...	185
Reported unfavorably	258
Indefinitely postponed	258
 78—By Foley. Authorizing counties in the state to construct and maintain a hospital and authorizing a levy to pay for the construction and maintenance thereof.	
Introduced and referred ...	186
Withdrawn	303
 79—By Chapman. To legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water-works system, and voting bonds therefor and the ordinances, resolutions and acts of the council, relating to such water-works.	
Introduced and referred ...	186
Reported with amendment.	226
Amendment adopted	247
Passed	247
Passed House	328
Passed on file	330
Enrolled	343
Signed	343
Sent to the governor	344
 80—By Sammis. To amend section (1530) of the code supplement by providing for the delivery of so much of the road fund tax as is collected from property within the incorporated limits of any city or town to the treasurer of said town.	
Introduced and referred ...	186
Reported unfavorably	229
Indefinitely postponed	229

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81—By Clarkson. To repeal chapter one hundred and eighty-one (181) of the laws enacted by the thirty-second general assembly of the state of Iowa, relating to the assumption of risks, and providing a substitute therefor.	
Introduced and referred . . .	192
Substitute reported	311
Substitute adopted	313, 314
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Amendment offered and lost . .	405
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Amended and passed House . . .	1609, 1610
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Signed	1650
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82—By Clarkson. To amend section twenty-five hundred and seventy-one (2571) of the 1907 supplement to the code, relating to the publication of rules and regulations of local boards of health.	
Introduced and referred	192, 193
Substitute reported	400
Substitute adopted	420, 421
Amended and passed	421
Return from House requested	1316
Returned by House	1385
Passed on file	1399
Indefinitely postponed	1461
83—By Moon. To amend the law as it appears in section ten hundred eighty-seven-a-10 (1087-a-10), ten hundred eighty-seven-a-twenty-two (1087-a-22) and ten hundred and eighty-seven-a-twenty-seven (1087-a-27) of the 1907 supplement to the code, repealing chapter one (1), acts of the special session of the thirty-second general assembly and enacting a substitute therefor relating to the nomination of party candidates for the office of senator in the congress of the United States.	
Introduced and referred	193
Reported unfavorably	652
Made special order	792
Indefinitely postponed	837
84—By Moon. Amending the law as it appears in section eleven hundred and fifty (1150), eleven hundred and fifty-one (1151), elev-	

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en hundred and fifty-seven (1157) and eleven hundred and sixty-two (1162) of the code, relating to the canvass of the vote for senator in the congress of the United States.	
Introduced and referred	193
Reported unfavorably	651
Made a special order	792
Indefinitely postponed	887, 888
85—By Smith of Mitchell. Entitled an act relating to hotels, inns and public lodging houses, defining the same and describing rules for their operations and maintenance, so as to insure the safety and health of employees and patrons of the same; providing for inspection thereof, fees for the same and fixing fines and penalties for violation of such rules and regulations.	
Introduced and referred	193
Reported unfavorably	619
Indefinitely postponed	620
86—By Peterson. To appropriate money for the use of the Industrial School for Boys at Eldora, Iowa.	
Introduced and referred	193
87—By Savage. To repeal section sixteen hundred and seventy-five (1675) of the supplement to the code and to enact a substitute therefor, relative to farmers' institutes.	
Introduced and referred	194
Substitute reported	402
Substitute adopted	456
Passed	456, 457
Passed House	1197
Passed on file	1199
Enrolled	1242
Signed	1252
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88—By Savage. To repeal section twenty-three hundred and forty-one-d (2341-d) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure bred stallions.	
Introduced and referred	194
Reported with amendment . . .	273
Amendment adopted	285
Passed	285
Passed House	427, 428
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Enrolled	463, 464
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Sent to the governor	465
Petition relative to	1047
89—By McManus. To appropriate money for the use of the penitentiary at Fort Madison, Iowa.	
Introduced and referred	194

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90—By Proudfoot (by request). To amend section five thousand and forty (5040) of the code, relating to the breach of the Sabbath.	
Introduced and referred	194
Recalled and referred	1146
Reported unfavorably	1325
Indefinitely postponed	1325
91—By Adams. To define and regulate the practice of optometry and for the cre- ation of a board of exam- iners in optometry.	
Introduced and referred	194
Substitute reported	452, 453
Substitute adopted	532
Amended	532
Made a special order	533
Amended	550, 551, 552
Passed	552
Amended and passed House	970
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Senate concurs	1026-1028
Enrolled	1097, 1098
Signed	1120
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92—By Proudfoot (by request). To amend section five thousand and six (5006) of the code, relating to the sale and use of cigar- ettes.	
Introduced and referred	194
Substitute reported	1236
Substitute adopted	1430
Passed	1430
Passed House	1648
Passed on file	1650
Enrolled	1722, 1723
Signed	1733
Sent to the governor	1737
93—By Bruce (by request). To repeal the law as it ap- pears in section sixteen hundred fifty-seven-q (1657-q) of the supple- ment to the code and to enact a substitute there- for, relating to the audit- ing of accounts of the De- partment of Agriculture.	
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Reported with amendments.	
	273, 274
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Passed House	428
Passed on file	429
Enrolled	463, 464
Signed	464
Sent to the governor	465
94—By Adams (by request). To amend section two hun- dred sixty (260) of the code, to amend two hun- dred sixty-one (261) of the supplement to the code, (1907), to repeal two hundred seventy-three (273) and section two hundred and seventy-five (275) of the code and enact substitutes therefor.	
Introduced and referred	204
Reported favorably	229
Indefinitely postponed	229

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95—By McCulloch. To amend section seventeen hun- dred and nine (1709) of the supplement to the code, relative to insur- ance other than life.	
Introduced and referred	205
Substitute reported	438
Substitute adopted	434
Lost on passage	484, 485
96—By Adams (by request). To amend section 4024 of the supplement to the code, 1907, relating to posting and publication of notices of sale under execution.	
Introduced and referred	205
Reported unfavorably	229
Indefinitely postponed	229
97—By Stuckslager. To amend the law as it appears in section two hundred and ninety-seven (297) of the code, relating to the com- pensation of clerks of the district court.	
Introduced and referred	205
Reported with amendment	634
Amendment adopted	843
Passed	843, 844
House indefinitely postpones	1361
Passed on file	1368
98—By Stuckslager. For the re- lief of the grantees of O. J. Felton, and for the pur- pose of having a patent issued in the name of Thos. Wilmot for a cer- tain tract of land of Iowa.	
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Substitute reported	352
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Enrolled	1072, 1073
Signed	1075
Sent to the governor	1083
99—By De Wolf. To amend the law as it appears in sec- tion twenty-six hundred and seventy-five (2675) of the code, 1907, by pro- viding an official name for the State Normal School at Cedar Falls.	
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Reported and referred	228
Substitute reported	386
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Substitute adopted	415
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100—By Saunders. Amending section seven hundred and forty-six (746) of the supplement to the code relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.	
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101—By Saunders. To change the name and official title of the various poor farms of the state of Iowa.	
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102—By Saunders. To amend section three hundred and eight (308) of the supplement to the code, relating to the compensation of county attorneys.	
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103—By Chapman. To amend section two thousand five hundred and ninety-four (2594) of the code, relating to the licensing of itinerant vendors of drugs.	
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104—By Seeley. Amending section 1400 of the code of 1897, fixing the time when taxes on personal property become a lien thereon.	
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105—By Cosson. To amend the law as it appears in section five thousand and twenty-eight-b (5028-b) of the supplement to the code, 1907, relating to unfair discrimination between different sections, communities or localities.	
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106—By Moon. Repealing section six hundred seventy-four (674) of the code, and enacting a substitute therefor, relating to compensation of assessors in cities of over fifteen thousand and less than sixty thousand.	
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107—By Francis. Dividing the state into districts, establishing Agriculture and Manual Training schools therein, providing for the management, control and operation thereof, establishing courses of study therein, and making provision for the support thereof.	
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108—By Peterson. To amend the law as it appears in section eleven hundred and six (1106) of the supplement to the code, 1907, relating to election ballots.	
Introduced and referred . . .	217
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109—By Allen of Pocahontas. Authorizing the extension of the Traveling Library and other activities of the Library Commission, and providing additional funds therefor.	
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110—By Whipple. Providing for the education of deaf and blind children at the school for the deaf and the college for the blind.	

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*Erroneously printed "House has passed."	

111—By Seeley. To amend section 1385-b of the supplement to the code of 1907, and to provide for the assessment of different portions of a tract of real estate when the same has been sold subsequent to the biennial assessment of the same.	
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112—By Seeley. To amend section 295 of the code, relative to certifying chains of title to county auditors.	
Introduced and referred....	224
Reported unfavorably	272
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113—By Peterson. To amend the law as it appears in sections ten hundred eighty-seven-a-1 (1087-a-1), ten hundred eighty-seven-a-5 (1087-a-5), ten hundred eighty-seven-a-6 (1087-a-6), ten hundred eighty-seven-a-12 (1087-a-12), ten hundred eighty-seven-a-21 (1087-a-21), ten hundred eighty-seven-a-22 (1087-a-22), ten hundred eighty-seven-a-25 (1087-a-25), ten hundred eighty-seven-a-27 (1087-a-27) of the supplement to the code, 1907, and to repeal the law as it appears in sections ten hundred eighty-seven-a-13 (1087-a-13), ten hundred eighty-seven-a-15 (1087-a-15) and ten hundred eighty-seven-a-18 (1087-a-18) of the supplement to the code, 1907, and to enact substitutes therefor, relating to the holding of primary elections by political parties.	
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114—By Clarkson. To amend section fourteen hundred and sixty-seven (1467) of the supplement to the code, 1907, relating to collateral inheritance tax and exemption.	
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115—By Sammis. Providing limitations for the commencement of actions relative to real property, additional to chapter two (2), title eighteen (18), of the code, but not amendatory thereto.	
Introduced and referred ...	237
Substitute reported	451
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116—By Larrabee (by request). Authorizing the secretary of state to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold.	
Introduced and referred	238
Reported unfavorably	1068
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117—By Quigley. To authorize the sheriff and county attorney, when permitted by the board of supervisors, to employ the service of detectives and providing for the payment thereof.	
Introduced and referred ...	245
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Substitute adopted	403, 404
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118—By Smith of Mitchell. Relating to bills of lading.	
Introduced and referred... ..	245
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119—By Larrabee (by request). To amend sections fifteen hundred an seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e), and fifteen hundred and seventy-one-f (1571-f) of the 1907 supplement to the code, in reference to motor vehicles. Introduced and referred ... 245 Reported with amendments 271, 272 Amendments adopted 308 Passed 309 Passed House 490 Passed on file 501 Enrolled 548, 549 Signed 564 Sent to the governor 564		Introduced and referred. 252, 253 Reported 504 Passed 558 Amended and passed House. 1105 Passed on file 1120 Senate concurs 1216 Enrolled 1242, 1243 Signed 1252 Sent to the governor 1253	
120—By Hunter (by request). To amend section twenty-seven hundred and eight (2708) of the supplement to the code, 1907, relating to the commitment of boys and girls to industrial schools. Introduced and referred 246 Returned by committee 1618		125—By Balkema. To amend the law as it appears in section eleven hundred and six (1106), to repeal the law as it appears in sections eleven hundred and nine (1109), eleven hundred nineteen (1119), eleven hundred twenty (1120), and eleven hundred twenty-one (1121), of the supplement to the code, 1907, and to enact substitutes therefor: all relating to the form, marking, counting and validity of the ballot used in the general elections in the state. Introduced and referred 253 Returned by committee 1617	
121—By Chapman. To legalize certain ordinances of the town of Oxford Junction, Jones county, Iowa. Introduced and referred 251 Reported with amendments 273 Amendment adopted 284 Passed 285 Passed House 489 Passed on file 501 Enrolled 548, 549 Signed 564 Sent to the governor 564		126—By Bennett. To amend section three, chapter two hundred twenty-three of the acts of the Thirty-second General Assembly relating to the distribution of roster of Iowa soldiers, sailors and marines. Introduced and referred 253	
122—By Seeley. Providing for the appointment of business committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and making appropriation therefor. Introduced and referred 252 Reported unfavorably 1014 Indefinitely postponed 1014		127—By Moon. Amending the law as it appears in section six hundred and seventy-four (674) of the supplement to the code, 1907, relating to the compensation of assessors in cities of first class. Introduced and referred 253 Reported with amendment .. 431 Amendment adopted 461 Passed 461, 462	
123—By Clark. To amend section twenty-five hundred and seventy-six (2576) of the supplement to the Code of Iowa, relating to the Board of Medical Examiners. Introduced and referred 252 Reported with amendments. 549 Amendments adopted .. 666, 667 Lost on passage 667		128—By Van Law. To amend the law as it appears in section seven hundred sixteen-a (716-a) of the supplement to the code, 1907, relating to the levy for fire fund. Introduced and referred. 253, 254 Reported unfavorably 331 Indefinitely postponed 331	
124—By Clark. To amend section twenty-five hundred and seventy-eight-a (2578-a) of the supplement to the code of Iowa, relating to the revocation of certificates by the Board of Medical Examiners.		129—By Committee on Cities and towns. To amend section nine hundred and ninety-five (995) of the Code relating to powers and duties of commissioners in cities under special charter. Introduced and passed on file 254 Passed 301 Passed House 490 Enrolled 548, 549 Signed 564 Sent to the governor 564	

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130—By Bruce. Providing for the punishment of intoxication, use of profane, indecent, or boisterous language, or disturbing the peace and quiet of any railway station or car and giving authority to conductors of railway trains to make arrests as peace officers.		1907, and sections one thousand three hundred and thirty-six (1336) and one thousand three hundred and thirty-eight (1338) of the code.	
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Title amended	655	135—By Moon and Adams. Compelling telephone central offices operating in the same city, town or village, to make and maintain a physical connection and regulate toll therefor, and publish telephone directories for distribution to the public, and providing penalty for failure to comply.	
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131—By Cosson. To repeal sections two hundred and eight (208) and two hundred ten (210) of the code, relating to the office and duties of the Attorney General and to enact a substitute therefor.		Reported	355
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Extra copies printed	346	Passed House	588, 589
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Senate concurs	1595, 1596	137—By Wilson. To amend section one thousand four hundred and sixty-seven (1467) of the code, relative to assessment and collection of collateral inheritance tax.	
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		Passed	670
132—By Nichols. To repeal the law as it appears in sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the 1907 supplement to the code, relative to the improvement of public highways by the use of the road drag.		Passed House	1358
Introduced and referred....	269	Passed on file	1366
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133—By Clark. To amend section twenty-five hundred and seventy-four (2574) of the Code, providing for an increase in the salary of the secretary of the state Board of Health.		138—By McCulloch. Amendatory to chapter (4), title (9), of the code, relating to fire insurance.	
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Passed	1436		
		139—By Fitchpatrick. Providing for the completion and distribution of the Roster of Iowa Soldiers, Sailors and Marines, as provided by chapter 223, laws of the Thirty-second General Assembly, fixing number of volumes and making an additional appropriation therefor.	
134—By Saunders. Relating to the taxation of railways and railway property, including terminals, and amending sections one thousand three hundred and thirty-four (1334) and one thousand three hundred and thirty-seven (1337) of the supplement to the code,		Introduced and referred....	270
		Reported with amendments.	295
		Re-referred	295, 296
		Reported unfavorably	528
		Indefinitely postponed	528

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140—By Chapman. To amend section one thousand five hundred and seventy-c (1570-c) of the supplement to the code, 1907, relating to public highways and providing for the payment for work thereon.	
Introduced and referred....	271
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141—By Savage. To repeal section thirteen hundred and sixty-three (1363) of the code, relative to statistics, and enacting a substitute therefor.	
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142—By Savage. To amend sections sixteen hundred fifty-seven-d (1657-d), sixteen hundred fifty-seven-k (1657-k) and sixteen hundred fifty-seven-t (1657-t) of the supplement to the code, relative to the department of agriculture.	
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143—By Clark. To amend section twenty-five hundred and seventy-six (2576) of the code, relative to the appropriation to the State board of Health.	
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144—By Van Law. To appropriate money for the use of the Iowa Soldiers' Home, Marshalltown, Iowa.	
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145—By Van Law. To co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa river.	
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Enrolled	1302
Signed	1317
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146—By Foley. Relating to bonds furnished by county officers and providing for the cost of same.	
Introduced and referred....	288
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147—By McManus. To amend section five thousand one hundred and sixty-five (5165) of the code, relating to the time of commencing criminal actions in certain cases.	
Introduced and referred....	288
Reported unfavorably	390
Indefinitely postponed	391
148—By Saunders. To amend the law as it appears in section five hundred ten-a (510-a) of the supplement to the code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.	
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149—By Saunders. To amend the law as it appears in section five hundred ten-b (510-b) of the supplement to the code, 1907, relating to the compensation of deputy sheriff.	
Introduced and referred....	288
150—By Saunders. To amend the law as it appears in section five hundred eleven (511) of the supplement to the code, 1907, relating to the compensation of sheriffs for boarding prisoners.	
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Signed	1120
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151—By De Armand. Repealing section five hundred and ninety (590) of the code relative to the compensation of township trustees and enacting a substitute therefor.	
Introduced and referred....	289
Reported unfavorably	333
Indefinitely postponed	333
152—By Francis. Creating county agricultural high schools; providing for their management, control and operation, and creating a county board of education for their management and making provision for the support of said schools.	
Introduced and referred....	289
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153—By Saunders. Granting to the Omaha, Council Bluffs and Suburban Railway Company, a right of way over and across the lands of the Iowa School for the Deaf, located near Council Bluffs, Iowa.		Introduced and referred.....	296, 297
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Sent to the governor.....	1127	Sent to the governor.....	1652
*Erroneously printed House file No. 153.			
154—By Saunders. To create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.		158—By Seeley. Amending section thirteen hundred and ten (1310) of the code, relating to taxation of shares of stock in corporations doing business in another state or territory.	
Introduced and referred.....	296	Introduced and referred.....	297
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		Sent to the governor.....	1549
155—By McManus. To appropriate one thousand dollars (\$1,000) to assist in the erection of a monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa.		House recalls	1619
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Passed	1708, 1709	159—By Seeley. To provide for an annual vacation with pay for officers and other employees of all state institutions under the supervision of the Board of Control, and repealing the law as it appears in chapter 195 of the Acts of the Thirty-second General Assembly.	
House fails to pass.....	1755	Introduced and referred.....	297
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156—By Brown. Requiring the license now paid by itinerant vendors of patent medicines to the state pharmacy commission, be paid into the county treasury for the use of the road fund.		160—By Smith of Des Moines. Relating to the production and distribution of anti-toxin in Iowa, by the bacteriological laboratory of the medical department of the State University at Iowa City and making appropriations therefor.	
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157—By Hammill. To amend the law as it appears in chapter two-a (2-a), title ten (10), of the supplement to the code, 1907, relating to levees, ditches, drains and water courses and providing for work beyond the boundary lines of the district and for the acquirement by condemnation of lands therefor by adding thereto the following:		161—Francis. To amend chapter one hundred twenty (120) of the laws of the Twenty-sixth General Assembly (26th G. A.) by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000) to aid therein, and providing for a guard over said dam at certain periods.	
		Introduced and referred.....	297, 298
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SENATE BILLS

1805

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Passed on file	1687
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*Signed	1769
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*Erroneously printed Senate file No. 167.	
162—By Francis. Amending the law as it appears in section thirteen hundred sixty-one (1361) of the supplement to the code, 1907, and section thirteen hundred fifty-four (1354) and section thirteen hundred fifty-five (1355) of the code relating to the making of affidavit in assessment of property.	
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163—By Larrabee. To amend sections two thousand five hundred and thirty (2530) and two thousand five hundred and thirty-six (2536) of the supplement to the code, relating to state veterinary surgeon.	
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164—By Allen of Pocahontas. To amend the law as it appears in section 1758-a and section 1709 of the supplement to the code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in section 1710 of the supplement to the code, 1907, and enacting a substitute therefor.	
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165—By De Wolf. To encourage the dairy industry of the state of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.	
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166—By Foley. To enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none.	
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167—By Dowell. Making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the state sanatorium for the treatment of tuberculosis.	
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168—By Clarkson. To appropriate money for the use of the state hospital for inebriates at Knoxville, Ia.	
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169—By Smith of Mitchell. Amending section thirty-four hundred fifty-six (3456) and additional to chapter two (2) of title eighteen (18) of the code, relating to limitations of actions.	

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170—By Cosson. To legalize the establishment of the superior court of the city of Perry, Dallas county, state of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.	
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Enrolled	1073
Signed	1075
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171—By Peterson. To repeal sections four hundred sixteen (416), four hundred seventeen (417), four hundred eighteen (418), four hundred nineteen (419) of the code, relating to supervisor districts and to abolish supervisor districts heretofore created and to fix the day on which the term of office of members of the board of supervisors shall commence and end.	
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172—By Peterson. To amend section twenty-six hundred and one (2601) of the	
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code, relating to admission of inmates to the Iowa Soldiers' Home located at Marshalltown.	
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173—By Clark. To prevent the unsanitary production and distribution of food and defining the duties of state and local boards of health in relation thereto.	
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174—By Bruce. Creating a legislative business committee to visit, inspect, examine and investigate state institutions, officers, departments, commissions, and the official acts, doings and proceedings of state officers and employees, defining the duties, power and authority of such committee, and providing for an appropriation to defray the expenses incurred by such committee.	
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175—By Fitchpatrick. Making appropriations to Iowa State College of Agriculture and Mechanic Arts.	
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176—By Francis. To amend the law as it appears in section five hundred eighty-six (586) and section eight hundred ninety-four (894) of the supplement to the code, 1907, relating to the levy of the cemetery tax.	
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177—By Moon. Requiring the partial inclosure of platforms on street cars.		Reported with amendment... 452	
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178—By Saunders. Authorizing the execution on the part of the state of Iowa to Henry B. Jennings and Charles A. Beno, a quit claim deed to a part of sections twenty-two (22), and twenty-seven (27), township seventy-six (76), north range forty-four (44), west of the fifth principal meridian in Pottawattamie county, Iowa.		Introduced and referred.... 328	
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179—By Saunders. To amend the law as it appears in sections two hundred fifty-four-a-thirteen (254-a-13), two hundred fifty-four-a-fourteen (254-a-14), two hundred fifty-four-a-fifteen (254-a-15), two hundred fifty-four-a-sixteen (254-a-16), two hundred fifty - four - a - seventeen (254-a-17), two hundred fifty-four-a-eighteen (254-a-18), two hundred fifty-four-a-nineteen (254-a-19), two hundred fifty-four-a-twenty (254-a-20), two hundred fifty-four-a-twenty-one (254-a-21), two hundred fifty-four-a-twenty-two (254-a-22), two hundred fifty-four-a-twenty-three (254-a-23), two hundred fifty-four-a-twenty-four (254-a-24), two hundred fifty-four-a-twenty-five (254-a-25), two hundred fifty-four-a-twenty-six (254-a-26), two hundred fifty-four-a-twenty-seven (254-a-27), two hundred fifty-four-a-twenty-eight (254-a-28), two hundred fifty-four-a-twenty-nine (254-a-29), two hundred fifty-four-a-thirty (254-a-30), of the supplement to the code, 1907, relating to Juvenile courts, Detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts of proceedings brought under said sections.		182—By Allen of Van Buren (by request). For the relief of the grantees of Joel J. Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.	
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		183—By Francis. Regulating certain classes of advertisements, prohibiting other classes, and providing a penalty for violation thereof.	
		Introduced and referred... 337	
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		184—By Smith of Mitchell. Repealing sections sixteen hundred and ten (1610), sixteen hundred and twelve (1612), sixteen hundred and eighteen (1618), sixteen hundred and forty-one-d (1641-d), of the supplement to the code, 1907; also sections sixteen hundred and fifteen (1615) and sixteen hundred and thirty-seven (1637) of the code, and enacting substitutes therefor; also repealing section sixteen hundred and eighteen-b (1618-b) of the supplement to the code, 1907, all in relation to corporations for pecuniary profit.	

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185—By Sammis. To amend section two thousand five hundred and eighty-nine-b (2589-b) of the code supplement, 1907, relative to the requirements of applicants for registration as pharmacists.	
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186—By Sammis. To amend section one thousand six hundred and forty-one-b (1641-b) of the code supplement, 1907, relative to the issuance of stock by corporations in consideration for property or things other than money.	
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187—By Sammis. To amend section three thousand and sixty-eight (3068) of the code, relative to the use of corporate seals.	
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188—By McManus. To amend section two hundred and twenty-nine (229) of the code of 1897.	
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189—By Smith of Des Moines. To compensate Jonah Smith for services as chaplain at camp McKinley for the period from June 24th to September 5th, 1898, and to make an appropriation therefor.	
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190—By Bennett. To repeal sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred and seventy-a-1 (2570-a-1), and twenty-five hundred and seventy-b (2570-b) of the supplement to the code, 1907, relating to the	

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care of infected persons and payment of quarantine expenses, and to enact a substitute therefor.	
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191—By Saunders. Appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the state for which he has not been paid.	
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192—By Allen of Van Buren. To provide for the consolidation of the first and second judicial districts of the state of Iowa and the district as then constituted to be known as the second judicial district of the state of Iowa, and changing the name of the first judicial district of the state of Iowa.	
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193—By Hoyt. Appropriate money for the use of the Independence state hospital at Independence, Iowa.	
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194—By Van Law. To amend section two hundred fifty (250) of the code, relating to the probate powers conferred upon clerk and providing for the probate of wills in vacation.	
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195—By Van Law. To amend section forty-eight hundred ninety-eight (4898) of the code relating to the probate of wills.	
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196—By Van Law. To amend section forty-eight hundred ninety-eight (4898) of the code, relating to breaking jail and escape of prisoners from custody.	
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Signed	1223
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197—By Seeley. (by request). To grant to certain officers and other employes of the state institutions under the control of the Board of Control of state institutions annual vacations with pay and to repeal chapter one hundred ninety-five (195) of the acts of the Thirty-second General Assembly.		a-55), two thousand seven hundred twenty-seven-a-fifty-six (2727-a-56), of the supplement to the code, 1907, and to repeal all acts, and parts of acts inconsistent with this act.	
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198—By Whipple. To create a State board of Education for the State University, the College of Agriculture and Mechanic Arts, and the Normal School, and to prescribe its duties and to provide for the management and control of the State University, the College of Agriculture and Mechanic Arts, and the Normal School, to make appropriations therefor, and to repeal section two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-six (2646), two thousand six hundred forty-seven (2647), two thousand six hundred fifty (2650), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652), two thousand six hundred fifty-three (2653), two thousand six hundred sixty-eight (2668), two thousand six hundred sixty-nine (2669), two thousand six hundred seventy (2670), two thousand six hundred eighty-one (2681) of the code, and the law as it appears in sections two thousand seven hundred twenty-seven-a-fifty-three (2727-a-53), two thousand seven hundred twenty-seven-a-fifty-four (2727-a-54), two thousand seven hundred twenty-seven-a-fifty-five (2727-	199—By Committee on Charitable institutions. To repeal the law as it appears in section fifty-seven hundred and eighteen-a-twenty-nine (5718-a-29) and section fifty-seven hundred and eighteen-a-thirty (5718-a-30) of the supplement to the code, 1907, relative to annual vacations for officers and guards of the penitentiaries.		
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		200—By Hammill. Making appropriation for additional improvements and land at the Iowa State Fair and Exposition grounds.	
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		201—By Savage. Making appropriations to the State Historical Society of Iowa.	
		Introduced and referred...	349
		Reported unfavorably.....	1634
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		202—By Balkema. To repeal section four thousand eleven (4011) of the code and to enact a substitute therefor, relative to personal earnings.	
		Introduced and referred...	349
		203—By Proudfoot. To legalize the ordinances of the town of Norwalk, Warren county, Iowa, and the acts and proceedings of the council of said town had thereunder.	
		Introduced and referred...	350
		Reported with amendments...	369
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204—By White. Making appropriations for the State University. Introduced and referred...	356
205—By Hunter (by request). To amend section thirty-two hundred seventy (3270) of the code, relating to the disposal of property by will. Introduced and referred.... Reported with amendments. 612 Amendments adopted.. 690, 691 Rereferred 691 Reported unfavorably 905 Indefinitely postponed 905	
206—By Dowell. To amend the law as it appears in chapter fourteen-c of the supplement to the code, 1907, relating to the government of cities, and conferring additional powers upon such cities. Introduced and referred.... Extra copies printed..... Substitute reported Substitute adopted Passed Passed House Passed on file..... Enrolled Signed Sent to the governor.....	363 422 985 987, 988 988 1542 1549, 1550 1585, 1587 1604 1605
207—By Hunter. To repeal the law as it appears in section sixteen hundred and ninety-nine (1699) of the code, relating to the investment of funds of insurance companies other than life, organized under chapter four (4) of the code and to enact a substitute therefor. Introduced and referred. 363, Substitute reported Substitute adopted Passed	364 1038 1212 1212
208—By Seeley. To amend section eighteen hundred and fifty-seven (1857) of the code, relating to the dissolution of Savings banks. Introduced and referred... Reported Passed Title amended Passed House Passed on file..... Enrolled Signed Sent to the governor.....	364 510 597 597, 598 1292 1295 1373, 1374 1400 1402
209—By Allen of Pocahontas. To amend the law as it appears in section fifteen hundred and thirty (1530) of the supplement to the code, 1907, creating a county drainage fund, providing for its collection and prescribing the manner in which the same shall be paid out. Introduced and referred.... Reported Passed	377 974 994, 995

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210—By Allen of Pocahontas. To amend the law as it appears in section nineteen hundred eighty-nine-a-fourteen (1989-a-14) of the supplement to the code, 1907, relating to the filing of transcripts in appeals from drainage assessments. Introduced and referred.... Substitute reported..... Consideration postponed..... 1334, 1335 Indefinitely postponed	377 1087 1334, 1335 1575
211—By Cosson. To repeal section thirty-one hundred eighty-one (3181) of the supplement to the code, 1907, relating to the right of divorced persons to remarry within one year, and to enact a substitute therefor. Introduced and referred.... Substitute reported Substitute adopted Passed House indefinitely postpones Passed on file	385 704 890 891 1360 1367
212—By Dowell. To require every person, partnership, company, corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof. Introduced and referred... Substitute reported Made a special order Substitute adopted Passed Amended and passed House. Senate refuses to concur House insists Conference committee appointed Report of conference committee recommending adoption of House amendments Report and amendments adopted House adopts report..... Passed on file..... Enrolled *Signed Sent to the governor..... *Erroneously printed Senate file	389 852, 853 854 889, 890 890 1655 1669, 1670 1689 1690, 1696 1703 1704, 1705 1742 1742 1764, 1765 1769 1770 No. 312.
213—By Proudfoot. Fixing the liability of a bank to its depositor for payment of forged or raised checks. Introduced and referred.... Reported Passed Passed House Passed on file..... Enrolled Signed Sent to the governor.....	389 510 558, 559 1292 1295 1373, 1374 1400 1402

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214—By Clark. To amend section seventeen hundred forty-one (1741) of the code relating to insurance, and applications and representations for insurance, and to provide remedies therein.		Introduced and referred....	401
Introduced and referred....	389	Substitute reported	900
Reported and rereferred 451, 452		Substitute adopted	942
Reported unfavorably	988	Passed	942
Indefinitely postponed	989	Passed House	1015
		Passed on file	1035
215—By Nichols. To amend the law as it appears in section 1137-a-7 of the supplement to the code of 1907, relating to elections and voting machines.		Enrolled	1074, 1075
Introduced and referred....	392	Signed	1075
Reported with amendments. 955		Sent to the governor.....	1084
Indefinitely postponed.....	1106		
216—By Saunders. Prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretense, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof.		219—By Maytag. To amend section twenty-six hundred ninety-two-a and section twenty-six hundred ninety-two-c of the supplement to the code, 1907, relating to state agents and making appropriation therefor.	
Introduced and referred....	400	Introduced and referred.....	401, 402
Reported	451	Reported with amendments. 441	
Passed	476	Amendments adopted.....	530
Passed House	1030	Passed	530, 531
Passed on file.....	1033	Passed House	1060
Enrolled	1097, 1098	Passed on file.....	1063
Signed	1120	Enrolled	1130, 1131
Sent to the governor.....	1121	Signed	1147
		Sent to the governor.....	1147
217—By Smith of Des Moines. To promote the building of permanent roads in the state and providing for the establishing of districts and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof.		220—By De Wolf. To regulate the transfer in bulk of stocks of merchandise.	
Introduced and referred....	400	Introduced and referred....	403
Reported	621	Reported	593
Considered	773	Substitute offered	927
Made a special order.....	773	Substitute adopted	928
Passed	857, 858	Amended	928, 929
Amended and passed House.....	1157	Passed	929
Passed on file.....	1174, 1175	House fails to pass.....	1293
Senate concurs	1176, 1177	Passed on file.....	1296
Enrolled	1242, 1243		
Signed	1252	221—By De Wolf. To amend section two hundred fifty-three (253) of the supplement to the code, 1907, relating to the salaries of judges of the district courts.	
Sent to the governor.....	1253	Introduced and referred....	403
		Reported unfavorably	664
218—By Hunter. To amend section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, relating to free passes by common carriers.		Indefinitely postponed	664
		222—By Francis (by request). Relating to fish and game, and making appropriations for the fish and game commission of the state of Iowa.	
		Introduced and referred....	403
		Reported unfavorably	1372
		Indefinitely postponed 1372, 1373	
		223—By Francis. To amend the law as it appears in section sixteen hundred and sixty (1660) of the supplement to the code, 1907, permitting the annual appropriation of the amount therein provided in aid of	
		Introduced and referred....	403
		Reported unfavorably	502
		Indefinitely postponed	502
		224—By Francis. To amend section eleven hundred ninety-five (1195) of the code, relating to officers holding over for any reason.	
		Introduced and referred....	403

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Reported	415	230—By Larrabee. To provide for the creation of the office of county highway engineer, and to define the duties thereof.	
Amended and passed....	458, 459	Introduced and referred...	418
Reconsidered	459	Extra copies printed.....	484
Consideration postponed ..	459	Reported unfavorably	856
Amended and passed....	644, 645	Indefinitely postponed	856
Passed House	1541	231—By Savage. Providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses.	
Passed on file.....	1548	Introduced and referred.....	426, 427
Enrolled	1585, 1586	Reported and referred....	1289
Signed	1604	*Reported unfavorably	1633
Sent to the governor.....	1605	Indefinitely postponed	1633
225—By the Committee on Military. To repeal title eleven of the code and the law as it appears in title eleven of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor to be known as "the military code of Iowa."		*Erroneously printed House file	
Introduced and referred....	412	No. 231.	
Reported unfavorably	1142	232—By Mattes. Creating a commission to procure additional grounds adjacent to the Capitol for beautifying the same, the erection of additional state buildings and for an appropriation therefor.	
Indefinitely postponed	1142	Introduced and referred...	427
226—By Hunter. To amend section fifteen hundred and thirty (1530) of the supplement to the code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as is collected from property within the incorporated limits of any city.		233—By De Wolf. To amend the law as it appears in sections eight hundred fifty-c (850-c), eight hundred fifty-e (850-e), and eight hundred fifty-f (850-f) of the supplement to the code, 1907, relating to parks and park commissions.	
Introduced and referred ...	416	Introduced and referred....	427
Substitute reported	924	Reported	768
Consideration postponed	1090	Lost on passage.....	831
Indefinitely postponed	1468	Motion to reconsider filed..	834
227—By Hunter (by request). To amend the law as it appears in section three thousand and forty-one (3041) of the code, relating to usury.		Reconsidered	1114
Introduced and referred ...	416	Amendment offered	1114
Reported unfavorably	613	Consideration postponed	1115
Indefinitely postponed	938	Amendment adopted	1117
228—By Hunter (by request). To amend the law as it appears in section three thousand and forty-seven (3047) of the supplement to the code, 1907, relating to the assignment of open accounts.		Passed	1117, 1118
Introduced and referred ...	416	Passed House	1359
Reported unfavorably	613	Passed on file.....	1366
Indefinitely postponed	938	Enrolled	1500, 1501
229—By Saunders. To prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof.		Signed	1508
Introduced and referred ...	416	Sent to the governor.....	1511
Reported	705	234—By Fitchpatrick. To amend the law as it appears in section two hundred fifteen (215) of the code, relating to the distribution of the reports of the supreme court.	
Passed	800, 801	Introduced and referred....	427
Amended and passed House	1292	Reported unfavorably	614
Passed on file.....	1295, 1296	Indefinitely postponed	614
Senate concurs	1310, 1311	235—By Francis (by request). To amend section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, relating to the compensation and duties of the fish and game warden.	
Enrolled	1423, 1424	Introduced and referred....	427
Signed	1443	Reported	616
Sent to the governor.....	1451	Passed	660
		Passed House	1292
		Passed on file.....	1295
		Enrolled	1374
		Signed	1400
		Sent to the governor.....	1402

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236—By Saunders. To appropriate money for the use of the school for the deaf at Council Bluffs, Iowa. Introduced and referred...	427
237—By Van Law. To provide terms and qualifications for admission to the collegiate department of the State University of Iowa, the State College of Agriculture and Mechanic Arts at Ames, and the State Normal School at Cedar Falls, and repealing parts of acts in conflict therewith. Introduced and referred... Reported unfavorably... Ordered placed on calendar... Indefinitely postponed...	428, 429 695 695 1330, 1331
238—By Jamieson. Amending section two thousand one hundred and twenty-six (2126) of the code, relative to railway rates. Introduced and referred... Substitute reported... Substitute adopted and passed... Motion to reconsider filed... Motion to reconsider laid on table... House indefinitely postpones... Passed on file...	439 523 575 579 580 1367 1367
239—By Jamieson. Amending chapter one hundred and eleven (111) of the acts of the Thirty-second General Assembly, relating to joint freight rates over two or more connecting lines of railway between points within the state. Introduced and referred... Reported unfavorably... Indefinitely postponed...	439 1544 1544
240—By Jamieson. To appropriate money for the use of the Clarinda state hospital at Clarinda, Iowa. Introduced and referred...	439
241—By Jamieson. To amend section forty-seven (47) of the code, relative to compensation of newspapers for the publication of laws. Introduced and referred... Reported unfavorably... Indefinitely postponed...	440 674 674
242—By Jamieson. To amend section eleven hundred thirty-one (1131) of the code, granting women the right to vote upon certain questions, additional to chapter three (3) of title VI, of the code. Introduced and referred... Reported... Made a special order... Enacting clause stricken from the bill...	440 594 674 730, 731

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243—By Seeley. To amend the law as it appears in section two thousand three hundred and forty-eight (2348) of the code, relating to bounties on wolves. Introduced and referred... Reported unfavorably... Indefinitely postponed...	447 632 633
244—By Seeley. To amend sections four hundred and fifty-eight-c (458-c) and four hundred and fifty-eight-d (458-d) of the supplement to the code, 1907, relating to injuries to domestic animals and the payment of damage therefor. Introduced and referred... Reported unfavorably... Indefinitely postponed...	447 974 974
245—By Saunders. To amend section two thousand five hundred eighty-eight (2588) of the code, relating to the sale of drugs, medicines, poisons, and chemicals and providing for the sale of concentrated lye, potash, and insecticides by persons other than registered pharmacists. Introduced and referred... Reported with amendments... Amendments adopted... Amended and passed... House indefinitely postpones... Passed on file...	475 706 778 779 1360 1367
246—By Allen of Pocahontas (by request). To repeal the law as it appears in section ten hundred and seventy-three of the code, 1897, relative to the term of office of justices of the peace and constables and to enact a substitute therefor. Introduced and referred... Reported unfavorably... Indefinitely postponed...	482 923 923
247—By Peterson. To amend the law as it appears in section nineteen hundred eighty-nine-a-3 (1989-a-3), nineteen hundred eighty-nine-a-11 (1989-a-11), and nineteen hundred eighty-nine-a-31 (1989-a-31), of the supplement to the code, 1907, relating to the establishment of drainage districts and the location and construction of levees, ditches, drains and the change of water courses. Introduced and referred... Reported with amendments... Amendments adopted... Passed...	482 973, 974 992, 993 993

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248—By Smith of Des Moines. To repeal paragraph five (5) of section thirty-six hundred eighty-eight (3688) of the code, and to enact a substitute therefor, relating to challenges for cause.	
Introduced and referred....	482
Reported	613
Passed	777, 778
House indefinitely postpones	1361
Passed on file.....	1368
249—By Smith of Des Moines. For the protection, preservation, propagation, taking, use and transportation of fish and game, and certain harmless birds and animals, and to repeal all acts or parts of acts heretofore passed inconsistent with or contrary to the provisions hereof.	
Introduced and referred....	483
Reported unfavorably	1717
Indefinitely postponed	1717
250—By Mattes. To amend the law as it appears in sections ten hundred eighty-seven-a-1 (1087-a-1), ten hundred eighty-seven-a-4 (1087-a-4), ten hundred eighty-seven-a-5 (1087-a-5), ten hundred eighty-seven-a-6 (1087-a-6), ten hundred eighty-seven-a-12 (1087-a-12), ten hundred eighty-seven-a-21 (1087-a-21), ten hundred eighty-seven-a-22 (1087-a-22), ten hundred eighty-seven-a-25 (1087-a-25), ten hundred eighty-seven-a-27 (1087-a-27), of the supplement to the code, 1907, and to repeal the law as it appears in sections ten hundred eighty-seven-a-13 (1087-a-13), ten hundred eighty-seven-a-15 (1087-a-15), and ten hundred eighty-seven-a-18 (1087-a-18) of the supplement to the code, 1907, and enact substitutes therefor, relating to the holding of primary elections by political parties.	
Introduced and referred....	483
Returned by committee.....	1617
251—By Hoyt. To amend the law as it appears in sub-division four (4) of section one hundred thirty-eight (138) of the supplement to the code, 1907, and section one hundred thirty-nine (139) of the code, relating to printing.	
Introduced and referred....	483
Reported	1309
Passed	1377
Passed House	1690
Passed on file.....	1696
Enrolled	1759, 1760
Signed	1769
Sent to the governor.....	1772

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252—By Hoyt. Providing for the appointment of visiting committees from the members of the General Assembly to visit the state institutions prior to the convening of each regular session, and making appropriations therefor.	
Introduced and referred....	483
Reported with amendment.	1013
Amendment adopted	1158
Amended	1158
Amendment offered	1158
Consideration postponed	1159
Amendment withdrawn and another offered	1182
Consideration postponed	1183
Amendment adopted	1222
Passed	1222
House indefinitely postpones	1621
Passed on file.....	1623, 1624
253—By Francis. Making an appropriation to purchase a site, to make the evacuation and to build a dam and fishway at the outlet of Silver Lake, Dickinson county, Iowa.	
Introduced and referred.	483, 484
Reported unfavorably	1290
Indefinitely postponed	1290
254—By Ream. To provide for the employment of prisoners in the county jails and for paying their earnings to their families.	
Introduced and referred...	500
Reported with amendments	739
Amendments adopted....	814, 815
Passed	815
255—By Moon (by request). Creating a jury commission prescribing the duties thereof providing for the qualifications of jurors, the manner of preparing and who shall constitute the jury list, the manner of drawing grand and petit jury panels and the manner of drawing and summoning grand and petit jurors, also defining certain offenses and providing penalties therefor.	
Introduced and referred...	504
Reported unfavorably .	954, 955
Indefinitely postponed	955
256—By Seeley. To amend section fifteen hundred and seventy (1570) of the supplement of the code, 1907, and to provide for the growing of posts.	
Introduced and referred...	504
Reported	706
Passed	802, 803
House indefinitely postpones	1527
Passed on file.....	1535
257—By Jamieson. Appropriating the sum of one hundred thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. Mc-	

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Cord in settlement of a claim against the state of Iowa, arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.	
Introduced and referred....	509
Reported unfavorably	1238
Indefinitely postponed	1238

258—By Jamieson. Making an appropriation for John Jones on account of injuries received by him at the state hospital for insane persons at Clarinda, Iowa.	
Introduced and referred....	509
Reported with amendment..	1237
Rereferred	1237
Reported	1290
Amendment adopted	1439
Passed	1439
Passed House	1648
Passed on file	1650
Enrolled	1721, 1722
Signed	1733
Sent to the governor.....	1737

259—By Chapman. To provide for work upon public roads, streets, avenues, boulevards, lanes and alleys, not within the territory of incorporated cities and towns; for the incidental establishment of grades thereof, for the construction therein, or thereon of sidewalks, sewers, man-holes, bridges, cess-pools, gutters, tunnels, curbing and cross walks; for the issue of bonds, representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.	
Introduced and referred.509, 510	
Withdrawn	1616
260—By De Armand. To repeal section four thousand seven hundred seventy-five (4775) of the code, relating to the carrying of concealed weapons, providing a penalty therefor, and enacting a substitute therefor.	
Introduced and referred....	510
Reported with amendments. 907	
Amendments adopted 1040, 1041	
Lost on passage.....	1041, 1042
261—By Smith of Mitchell. To amend the law as it appears in section five thousand eighteen-a-18 (5718-a-18) of the supplement to the code, 1907, relating to the power of the Board of Parole, to establish rules and regulations governing paroles; also to amend section five thousand six hundred and	

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twenty-six (5626) of the code, relating to pardons and the revision of fines and forfeitures.	
Introduced and referred ...	520
Reported with amendments. 953	
Amendment adopted	1331
Consideration postponed	1331
Amended	1346, 1347
Passed	1347
Title amended	1347, 1348
House indefinitely postpones	1506
Passed on file.....	1509

262—By Chapman. To legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city and all acts done thereunder.	
Introduced and referred.520, 521	
Reported	544
Passed	545
Passed House	640
Passed on file.....	646
Enrolled	723
Signed	732
Sent to the governor.....	733

263—By Mattes (by request). To make appropriations for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.	
Introduced and referred....	521
Reported with amendments.1493	
Amendments adopted	1523
Passed	1523, 1524
Passed House	1660
Passed on file.....	1667
Enrolled	1718, 1719
Signed	1733
Sent to the governor.....	1739

264—By Balkema. To repeal section fourteen hundred and three (1403) and fourteen hundred and thirteen (1413), of the code, and the law as it appears in section fifteen hundred and forty-a (1540-a) of the supplement to the code, 1907, relative to the collection of road taxes, and to enact substitute therefor.	
Introduced and referred....	521
Reported unfavorably	621
Indefinitely postponed	621

265—By Wilson. Relating to the building of county bridges.	
Introduced and referred....	521
Reported with amendment. 964	
Amendment adopted	1017
Passed	1017
Title amended	1018
House amends and fails to pass	1543
Passed on file.....	1550

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266—By Saunders. To amend the law as it appears in section eight hundred and fifty-c (850-c) of the supplement to the code, 1907, relating to the tax levy for park purposes and repealing section eight hundred and fifty-two (852) of the code as amended by chapter forty-three (43) of the acts of the Thirty-second General Assembly.		270—By Burgess (by request). To compensate D. A. Guthrie for the damages sustained by him by the construction of a dam by the state of Iowa across the outlet of Lower Gar Lake.	
Introduced and referred....	528	Introduced and referred....	546
Reported	926	Reported unfavorably	1238
Passed	990	Indefinitely postponed	1238
Reconsidered	992		
Substitute reported	1018	271—By Saunders. Authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire department, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions.	
Substitute adopted	1019	Introduced and referred....	553
Passed	1019, 1020	Reported with amendments. 719	
Passed House	1318	Made a special order.....	792
Passed on file.....	1320	Amendments adopted	871
Enrolled	1423, 1424	Amended	871
Signed	1443	Passed	872, 873
Sent to the governor.....	1451	Petition relative to.....	1122
		Passed House	1344
267—By Moon. To legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa cemetery association.		Passed on file.....	1353
Introduced and referred. 545, 546		Enrolled	1500, 1502
Reported	612	Signed	1508
Passed	780	Sent to the governor.....	1511
Passed House	1359		
Passed on file.....	1366	272—By Maytag. Providing for the inside finishing and completion of the historical, memorial and art building and making an appropriation therefor.	
Enrolled	1498, 1499	Introduced and referred....	553
Signed	1508	Reported unfavorably	1209
Sent to the governor.....	1512	Indefinitely postponed	1209
268—By Moon. To amend the law as it appears in section eleven hundred thirty-seven-a-three (1137-a-3) of the supplement to the code, 1907, relating to the filing of statements of receipts and expenditures by chairman of the state, district and county committees, repealing said section and enacting a substitute therefor.		273—By White. To amend section two thousand seventy-seven-a (2077-a) of the supplement to the code, 1907, relating to the posting of bulletins.	
Introduced and referred....	546	Introduced and referred....	553
Reported	652	Reported	901
Amended	938	Passed	990, 991
Lost on passage.....	939	House indefinitely postpones	1360
		Passed on file.....	1367
269—By Moon. Amending the law as it appears in section sixteen hundred and fifty (1650) of the code, relating to the re-incorporation of the cemetery associations.		274—By Bruce. Repealing section three hundred and seventy (370), and three hundred and seventy-one (371) of the supplement to the code, 1907, and enacting a substitute therefor relating to the deposit of funds and moneys or securities by administrators, guardians, trustees, or referees with the county	
Introduced and referred....	546		
Reported with amendments	703		
Amendments adopted ..	780, 781		
Passed	781		
Passed House	1359		
Passed on file.....	1366		
Enrolled	1500, 1501		
Signed	1508		
Sent to the governor.....	1511		

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treasurer, belonging to heirs, legatees, devisees, or other persons whose places of residence are unknown.		provide penalties for the violation of the provisions hereof.	
Introduced and referred.....	559	Introduced and referred.....	571, 572
Reported unfavorably.....	614	*Reported unfavorably.....	1577
Indefinitely postponed.....	614	*Indefinitely postponed.....	1577
		*Erroneously printed House file	
		No. 279.	
275—By Bruce. To repeal section three thousand and sixty-eight (3068) of the code and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.		280—By Van Law. To provide that any common carrier operating or doing business within the state of Iowa, shall adjust and pay all claims for which such common carrier is liable for loss or damage to property, or overcharge for freight, within a certain time; to provide for the payment of ten per cent interest on such claims and for the recovery of attorney's fees in case of the failure of the common carriers to adjust and pay such claims within the time limited herein, and to make this a cumulative act.	
Introduced and referred.....	560	Introduced and referred.....	572
Reported and referred....	592	*Reported unfavorably.....	1576
Reported unfavorably.....	896	Indefinitely postponed.....	1577
Indefinitely postponed.....	896	Petition relative to.....	838
		*Erroneously printed House file	
276—By Bruce. Legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.		No. 280.	
Introduced and referred....	560	281—By White. To amend the law as it appears in section two thousand eight hundred six (2806) of the code of Iowa, to increase the amount that may be levied for the contingent fund in a school district.	
Reported.....	593	Introduced and referred....	580
Passed.....	669	Reported with amendments.	633
House indefinitely postpones	1361	Amendments adopted.....	687, 688
Passed on file.....	1368	Consideration postponed..	688
		Passed.....	832, 833
277—By Taylor. Making an appropriation for the erection of a monument at Drakeville cemetery, Davis county, Iowa, to perpetuate the memory of Isaac Mason, a soldier of the Revolutionary war, and providing the method		Amended and passed House.	1259
Introduced and referred....	560	Passed on file.....	1263
Reported unfavorably.....	1632	Senate refuses to concur.....	1414, 1415
Indefinitely postponed.....	1632	Senate insists.....	1415
		House insists.....	1434
278—By Allen of Van Buren. In relation to holding district courts and the assignment of judges thereof.		Conference committee appointed.....	1435, 1443
Introduced and referred....	571	Passed on file.....	1442
Reported.....	613	Report of conference committee recommending amendment.....	1545
Amended.....	783	Amendment adopted.....	1575, 1576
Passed.....	784	House adopts report and amendments.....	1622
Petition relative to.....	838, 1153	Passed on file.....	1624
Amended and passed House.	1609	Enrolled.....	1658, 1659
Passed on file.....	1611	Signed.....	1672
Senate concurs.....	1653, 1654	Sent to the governor.....	1672
Enrolled.....	1720		
Signed.....	1733		
Sent to the governor.....	1738		
		282—By Gilliland. To legalize the action and proceedings of the board of supervisors of Mills county, Iowa, in the matter of issuance of bonds for the refunding of indebtedness of Pony Creek drainage district No. 1 and the widen-	
279—By Van Law (by request). To regulate demurrage and storage charges and to prevent delays in the transportation and delivery by railroads of freight; to provide charges and damages and for the recovery thereof, and to			

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ing, deepening and improvement of said Pony Creek and in the levy of an assessment therefor.		287—By Clarkson. To amend section sixteen hundred and forty-one-b (1641-b), supplement of the code, 1907, relating to the issuing of capital stock, and the duty of the executive council in fixing value.	
Introduced and referred....	581	Introduced and referred....	590
Reported	593		
Passed	636, 637	288—By Clarkson. Relating to the powers of the State Board of Health, and empowering it to establish a standard for sanitary plumbing.	
Passed House	1015	Introduced and referred....	590
Passed on file.....	1035	Reported unfavorably	1519
Enrolled	1074, 1075	Indefinitely postponed	1519
Signed	1075		
Sent to the governor.....	1084	289—By Clarkson. To provide for examination and license of plumbers.	
		Introduced and referred....	590
283—By Frudden. Making section one thousand five hundred and thirty- (1530) of chapter two (2), title five (V), of the code, applicable to cities acting under special charters.		Reported unfavorably	1519
Introduced and referred....	588	Indefinitely postponed	1519
Substitute reported	726, 727		
Substitute adopted	805	290—By Dowell. To repeal section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, relative to the limit of indebtedness of independent school districts and to enact a substitute therefor.	
Passed	806	Introduced and referred....	590, 591
		Substitute reported	773
284—By Taylor (by request). To amend section five thousand one hundred and sixty-five (5165) of the code, relating to the time of commencing criminal actions in certain cases.		Substitute adopted	775
Introduced and referred....	588	Amended and passed	776
Reported unfavorably	613	Amended and passed House	1293
Indefinitely postponed	613	Passed on file.....	1296
		Senate concurs	1322
285—By De Armand. To repeal section one thousand three hundred and six-e (1306-e) of the supplement of the code of Iowa, relating to the issuance of bonds by cities and towns, and to enact a substitute in lieu thereof relating to the same subject.		Enrolled	1423, 1424
Introduced and referred....	588	Signed	1443
Substitute reported	984	Sent to the governor.....	1451
Substitute adopted	1148		
Amended	1148, 1149	291—By Sammis. To supervise and regulate surety companies and to provide for fair, reasonable and uniform premium rates by such companies, and to prevent rebating and discrimination therein, and providing penalties for violations of this act.	
Passed	1149	Introduced and referred....	591
Title amended	1149	Reported and rereferred....	706
Motion to reconsider filed..	1175	Reported unfavorably	1535
Reconsidered	1179	Indefinitely postponed.....	1535
Amended	1179		
Passed	1179, 1180	292—By Bruce. Repealing section two hundred fifty-four-a twenty-four (254-a-24) of the supplement to the code, 1907, and to enact a substitute therefor relating to the commitment and confinement of certain children and the power and authority of courts and magistrates to issue orders of commitment and confinement of certain children and providing	
Passed House	1621		
Passed on file.....	1623		
Enrolled	1658, 1659		
Signed	1672		
Sent to the governor.....	1671		
286—By De Armand (by request). Authorizing counties, towns, school districts or drainage districts to convert their bonds, warrants or any certificates of indebtedness, payable to bearer or to a person, firm or corporation named or bearer into registered obligations.			
Introduced and referred....	590		
Reported	905, 906		
Rereferred	906		
Returned by committee	1617		

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that boards of supervisors and city authorities shall provide separate rooms, apartments or cells for certain children.	
Introduced and referred....	591
Reported unfavorably.....	855
293—By Bruce. Requiring that boots and shoes made in certain parts of substitutes for leather, and boots and shoes made by "convict or prison labor" to be stamped, and providing for failure to so stamp.	
Introduced and referred....	591
Reported unfavorably	1398
Indefinitely postponed 1398, 1399	
294—By Gilliland. To amend section forty-six hundred and twenty-five (4625) of the code, relating to the statute of frauds.	
Introduced and referred....	594
Reported	611
Passed	882
House indefinitely postpones	1361
Passed on file.....	1368
295—By Hammill. With respect to gambling, prohibiting certain games, the possession or use of certain instruments or appliances, and the using or leasing of any premises for gambling purposes; to provide for the enforcement of the act, and to provide civil and criminal liabilities and penalties for violations of its provisions, and civil actions for the recovery of money lost at any of the games herein prohibited; to repeal and prohibit city and town ordinances on the subject, and to repeal all laws in conflict with this act.	
Introduced and referred....	604
Substitute reported ...	901, 902
Considered	943
Substitute printed in journal	944
Substitute amended	995, 996, 997, 998
Passed	998
Title amended	998
296—By Allen of Van Buren. To legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren county, state of Iowa.	
Introduced and referred....	604
Reported	700
Passed	795, 796
Passed House	1357, 1358
Passed on file.....	1365
Enrolled	1498, 1499
Signed	1508
Sent to the governor.....	1512

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297—By Fitchpatrick. To amend the law as it appears in section ten hundred ninety (1090) of the code, relating to the formation of election precincts.	
Introduced and referred....	605
Substitute reported	1190
Substitute adopted	1351, 1352
Passed	1352
Passed House	1648
Passed on file.....	1650
Enrolled	1721, 1721
Signed	1733
Sent to the governor.....	1737
298—By Moon. Amending the law as it appears in paragraph 2 section twenty-four hundred forty-eight (2448) of the supplement to the code, 1907, limiting the number of persons to whom city councils may by resolution grant consent to sell intoxicating liquors.	
Introduced and referred....	605
Substitute reported	789
Substitute adopted	818
Amended	818, 819, 820
Passed	820
Amended and passed House	1741
Passed on file.....	1743
Senate concurs	1750, 1751
Enrolled	1764, 1765
Signed	1769
Sent to the governor.....	1770
299—By White. To amend the law as it appears in section two thousand eight hundred four (2804) of the school laws of the state of Iowa.	
Introduced and referred....	605
Reported unfavorably	1284
Indefinitely postponed	1284
300—By Van Law. To amend the law as it appears in subdivision one of section twenty-four hundred forty-eight (2448) of the supplement to the code, 1907, relating to statement of consent to the sale of intoxicating liquors.	
Introduced and referred....	605
Reported unfavorably 1181, 1182	
Indefinitely postponed 1458, 1459	
301—By Proudfoot. To amend section three hundred sixty (360) of the code, relating to bonds by guarantee companies.	
Introduced and referred ...	621
Reported	703
Substituted for House file No. 44	817
(See House File No. 44.)	
302—By Chapman. To repeal sections twenty-three hundred eighty-seven (2387), twenty-three hundred eighty-nine (2389), twenty-	

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ty-three hundred ninety one (2391), twenty-three hundred ninety-four (2394), twenty-three hundred ninety-five (2395), twenty-three hundred ninety-six (2396), twenty-three hundred ninety-seven (2397), twenty-three hundred ninety-eight (2398), and twenty-three hundred ninety-nine (2399), of the code of 1897, and sections twenty-three hundred eighty-eight (2388) twenty-three hundred ninety (2390), twenty-three hundred ninety-two (2392), twenty-three hundred ninety-three (2393), twenty-four hundred (2400), and twenty-four hundred one (2401) of the supplement to the code of 1907, referring to the granting of permits to licensed pharmacists.

Introduced and referred.....621, 622
Reported unfavorably1582
Indefinitely postponed1582
Petition relative to.....1047

303—By De Wolfe. To amend the law as it appears in section four thousand nine hundred and ninety-nine-a-twenty-five (4999-a-25) of the supplement to the code, 1907, relating to penalty for violation of the pure food law.

Introduced and referred.... 622
Reported unfavorably1234
Indefinitely postponed1235

304—By Wilson. Requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines.

Introduced and referred.... 626
Reported with amendments. 901
Amendments adopted 940
Passed940, 941
*Passed House1258
Passed on file.....1263
Enrolled1302, 1303
Signed1317
Sent to the governor.....1317
*Title erroneously printed.

305—By Frudden. To grant and relinquish to the city of Dubuque, Iowa, the title of the state of Iowa in or to a portion of the abandoned river bed of the Mississippi river, being land of the character described in section one (1), of chapter two hundred and twelve (212), of the acts of the Thirty-first General Assembly, lying

within the limits of said city and in section twenty-five (25), and thirty-six (36), township eighty-nine (89) north, range two (2), east of the 5th principal meridian and authorizing and directing the governor and the secretary of state to issue a patent therefor.

Introduced and referred.... 631
Reported 769
Passed860, 861
Passed House1507
Passed on file.....1510
Enrolled1558
Signed1562
Sent to the governor.....1549

306—By Peterson. To amend the law as it appears in section four thousand one hundred fourteen (4114) of the supplement to the code, 1907, relating to sufficiency of notice of appeal.

Introduced and referred.... 631
Reported 701
Passed 808
Passed House1542
Passed on file.....1549
Enrolled1585, 1586
Signed1604
Sent to the governor.....1605

307—By Peterson. To amend section four thousand one hundred thirty-nine (4139) of the code, relating to practice in the supreme court.

Introduced and referred.631, 632
Reported 701
Passed 808, 809
Passed House1541
Passed on file.....1549
Enrolled1586, 1587
Signed1604
Sent to the governor.....1605

308—By Gilliland. To establish a department of horticulture and forestry.

Introduced and referred.... 632
Reported with amendments1007
Rereferred1081
Reported unfavorably1633
Indefinitely postponed1633

309—By Chapman. To amend section thirty-one hundred seventy-two (3172) of the code, relating to petitions for divorce.

Introduced and referred.... 632
Reported unfavorably 702
Indefinitely postponed 702

310—By Balkema. To legalize the acts of the board of directors of the school township of Wilson in the county of Osceola and state of Iowa, in authorizing a schoolhouse to be built in subdivision number four (4) in said school township and in levying a tax therefor.

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Introduced and referred....	632
Reported	702
Passed	858, 859
Passed House	1292
Passed on file	1295
Enrolled	1374, 1375
Signed	1400
Sent to the governor.....	1402
311—By Dowell (by request). To amend the law as it appears in section twenty-five hundred and five (2505) of the supplement to the code, 1907, relating to the inspection of petroleum products.	
Introduced and referred.....	641, 642
Reported	1087
Passed	1222, 1223
312—By Smith of Mitchell. To repeal section two thousand one hundred and eleven (2111) of the code, and to enact a substitute therefor relating to the appointment, organization, powers, and duties of the Board of Railroad Commissioners, and to repeal section two thousand one hundred and twenty-two (2122) of the code, and to enact a substitute therefor relating to the regulation of railroads and other common carriers, and telegraph and telephone companies, and defining the terms "railroad" and "railway" and relating to the jurisdiction, supervision, powers and duties of the Board of Railroad Commissioners, and for an act additional to chapter seven (7) of the code, relating to the regulation of railroads and other common carriers, telegraph and telephone companies, and to repeal sections one thousand and sixty-eight (1068) and two thousand one hundred and twenty-one (2121) of the code, as amended.	
Introduced and referred....	644
Reported	993
Made a special order.....	1042
Considered and referred	1061, 1062
Reported	1108
Made a special order.....	1134
Amended	1162
Substitute offered.....	1162, 1174
Consideration postponed	1174
Considered	1180
Consideration postponed	1180
Amendments to substitute offered	1187, 1188
Consideration postponed	1188
Made a special order.....	1188
Consideration postponed	1228
Consideration resumed	1240
Amendment to amendment offered	1241
Consideration postponed	1241

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Consideration resumed.....	1250
Amendments laid on table.....	1251
313—By Francis (by request). To amend section two thousand and twenty-eight (2028) of the code, relating to the establishment of public highways over the lands of others.	
Introduced and referred....	645
Reported unfavorably	729
Indefinitely postponed.....	729
314—By Francis. To repeal sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b) twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), and twenty-five hundred sixty-three-g (2563-g), twenty-five hundred sixty-three-h (2563-h), of the supplement to the code, 1907, and to enact in lieu thereof the following, relating to the protection of game.	
Introduced and referred.....	645, 646
Reported	686
Amendments offered	806, 807
Consideration postponed	807
Amended	957, 958
Passed	958, 959
315—By Frudden. Giving to cities and towns, including cities acting under special charters power to provide by ordinance for the trimming of trees along the public streets and sidewalks, and to assess the costs thereof to the owners of the abutting property.	
Introduced and referred....	650
Reported with amendment.....	853
Amendment adopted	976
Passed	976, 977
House indefinitely postpones	1361
Passed on file.....	1368
316—By Burgess. To amend section twenty-five hundred and forty (2540) of the code, relative to the protection of fish.	
Introduced and referred....	650
Reported unfavorably	1716
Indefinitely postponed	1716
317—By Committee on Highways. To repeal section fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the supplement to the code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injury to such	

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highways or the work done thereon.		322—By De Armand. To amend section eighteen hundred fifty (1850) of the code, relating to investment of funds of Savings banks.	
Introduced and placed on calendar	655, 656	Introduced and referred....	685
Made special order.....	708	Reported	1039
Amended and passed....	724, 725, 726	Consideration postponed	1107
Passed House	1055	Withdrawn	1153
Passed on file.....	1063		
Enrolled	1130, 1131	323—By McManus. To amend the law as it appears in section one thousand four hundred seven of the code of Iowa of 1897, changing the percentage to be allowed collectors appointed by county treasurers for their service and expenses.	
Signed	1147	Introduced and referred....	685
Sent to the governor.....	1147	Reported unfavorably	1049
Extra copies printed.....	1241	Indefinitely postponed	1049
318—By Adams. To legalize the ordinances of the town of Maynard, Fayette county, Iowa, and the acts and proceedings of the council of said town thereunder.			
Introduced and referred....	661	324—By Whipple. Relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in section three thousand two hundred sixty-j (3260-j) of the supplement to the code, 1907.	
Reported	702	Introduced and referred....	685
Passed	777	Reported	701
Passed House	1031	Passed	800
Passed on file.....	1033	House indefinitely postpones	1471, 1472
Enrolled	1097, 1098	Passed on file.....	1474
Signed	1120		
Sent to the governor.....	1121	325—By Van Law. To provide for the investigation of water, gas, heat, light or power works or plants, and the operation thereof to provide for annual reports with reference to the operation thereof, and prescribing the procedure thereof.	
319—By Francis (by request). Authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof.		Introduced and referred....	687
Introduced and referred.....	662, 663	Reported	905
Reported with amendment..	705	Rereferred	1062
Amendment adopted	798, 799	Reported	1108
Amended	799	Extra copies printed.....	1112
Passed	799, 800	Made a special order.....	1134
Amended and passed House	1385	Consideration postponed....	1251
Passed on file.....	1399	Lost on passage.....	1260
Senate concurs	1436-1438		
Enrolled	1496	326—By Taylor. To amend the law as it appears in section sixteen (16) of section six hundred sixty-eight (668) of the supplement to the code, 1907, in relation to the time of making appropriation by the city council.	
Signed	1508	Introduced and referred....	694
Sent to the governor.....	1513	*Reported unfavorably	1288
		Indefinitely postponed	1288
320—By Clarkson (by request). To amend section 5008 of the code, relating to the infringement of civil rights.		*Erroneously printed House file No. 326.	
Introduced and referred....	663		
Reported with amendment..	703		
Amendment adopted	1040		
Lost on passage.....	1040		
321—By Chapman. To prohibit the use of type larger than ten (10) point long or smaller than six (6) point nonpareil in the publication of notices of suicides and prescribing conditions for such publication and providing a penalty for violators thereof.			
Introduced and referred....	685		
Reported	704		
Amended	803		
Lost on passage.....	803, 804		
Motion to reconsider filed..	809		
Reconsidered	1010		
Lost on passage.....	1010, 1011		

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327—By Seeley. To indemnify Mamie McMahon for personal injury sustained by her while employed as nurse at the Mt. Pleasant State Hospital, Mt. Pleasant, Iowa.	
Introduced and referred....	694
Reported with amendment and rereferred	923
Reported	1011
Amendment adopted	1056
Passed	1056, 1057
Passed House	1609
Passed on file.....	1612
Enrolled	1643, 1644
Signed	1650
Sent to the governor.....	1652
328—By Adams. To amend the law as it appears in section two thousand one hundred thirteen (2113) of the supplement to the code, 1907, enlarging the powers of the railroad commissioners.	
Introduced and referred.....	694, 695
Reported	901
Passed	946, 947
House indefinitely postpones	1362
Passed on file.....	1369
Recalled by House.....	1471
Passed on file.....	1473
Request granted	1508
Passed House	1584
Passed on file.....	1593
Enrolled	1644, 1645
Signed	1650
Sent to the governor.....	1651
329—By Smith of Mitchell. To amend section thirteen hundred and twelve (1312) of the code, relating to the listing of property for taxation by persons acting in a fiduciary capacity.	
Introduced and referred....	695
Reported with amendments.	767, 768
Amendments adopted	801, 802
Title amended	802
Passed	802
Passed House	1359
Passed on file.....	1366
Enrolled	1501, 1502
Signed	1508
Sent to the governor.....	1511
330—By Allen of Van Buren. To amend section twenty-four hundred forty-eight (2448) of the supplement to the code, 1907, relating to the sale of intoxicating liquors.	
Introduced and referred....	695
Reported with amendments.....	1188
Amendments adopted	1378
Passed	1378, 1379
331—By Chapman. Authorizing state board of control to enter into a contract for the employment of certain inmates of the Reformatory at Anamosa.	

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*Introduced and referred....	710
Introduced and referred....	710
Reported	823
Passed	970, 971
Passed House	1294
Passed on file.....	1295
Enrolled	1374, 1375
Signed	1400
Sent to the governor.....	1402
*Erroneously printed Senate file No. 333. Title also wrong.	
332—By Larrabee. To establish a laboratory for the manufacture of hog cholera serum at or near Des Moines, under the supervision of the State Veterinary Surgeon, and make an appropriation therefor.	
Introduced and referred....	710
Reported unfavorably	1494
Indefinitely postponed	1494
333—By Clarkson. To amend the law relative to the payment of certain expenses and costs incurred on account of patients committed as inebriates to state hospitals.	
Introduced and referred.....	710, 711
Reported with amendment....	730
Amendment adopted	892, 893
Passed	893
Passed House	1741
Passed on file.....	1742
Enrolled	1763, 1765
Signed	1769
Sent to the governor.....	1769
334—By Clarkson. To amend section thirty-three hundred and five (3305), supplement to the code, 1907, relative to the time of granting administration.	
Introduced and referred....	711
Reported with amendments.....	730
Amendments adopted	804
Consideration postponed	804
Passed	891, 892
Passed House	1061
Passed on file.....	1063
Enrolled	1130, 1131
Signed	1147
Sent to the governor.....	1147
Senate requests governor to return	1159
House requests Senate to return	1186
Senate grants request.....	1192
Amended and passed House	1249, 1250
Passed on file.....	1252
Senate concurs	1311, 1312
Enrolled	1423, 1424
Signed	1443
Sent to the governor	1452
335—By Hammill. To amend section two thousand five hundred and forty (2540) of the supplement to the code, 1907, relating to the catching and transportation of fish.	
Introduced and referred....	718
Reported unfavorably	1717
Indefinitely postponed	1717

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336—By Van Law. To appropriate money for the Soldiers' Home at Marshalltown, Iowa.	
Introduced and referred....	713
337—By Ream. To amend section six hundred thirty-eight (638) of the code, relative to villages.	
Introduced and referred.....	718, 719
Reported	853
Amended	1068, 1069
Passed	1069
Title amended	1069
House indefinitely postpones	1433
Passed on file.....	1440, 1441
338—By Judiciary Committee. To amend the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.	
Introduced and placed on calendar	727
Passed	813, 814
Amended and passed House.	1542
Passed on file.....	1550
Senate concurs	1709
Enrolled	1740
*Signed	1769
Sent to the governor.....	1770
*Erroneously printed Senate file No. 383.	
339—By Clark. To amend section two hundred sixty-one (261) of the supplement to the code, 1907, relating to superior courts and change of venue therefrom.	
Introduced and referred....	740
Reported unfavorably	906
Indefinitely postponed	906
340—By Moon. Amending the law as it appears in section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907, relating to the sale of cocaine and certain other drugs.	
Introduced and referred....	740
Reported with amendments	1088
Amendments amended and adopted	1184, 1185
Passed	1185
Passed House	1609
Passed on file.....	1612
Enrolled	1643
Signed	1650
Sent to the governor.....	1652
341—By De Wolf. To amend the law as it appears in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, so as to authorize cities and incorporated towns to incur indebtedness not exceeding in the aggregate added to all other indebtedness, five per centum	

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of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending, as well as purchasing, erecting or maintaining, and operating water-works, electric light and power plants, gas works, and heating plants or building and constructing sewers.	
Introduced and referred.....	740, 741
Reported unfavorably	769
Indefinitely postponed	769
342—By Allen of Pocahontas. Legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the county of Pocahontas and state of Iowa. In relation to the establishment, erection and maintenance and extension of a system of water-works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.	
Introduced and referred....	741
Reported with amendment..	854
Amendment adopted	942, 943
Passed	943
Passed House	1359
Passed on file.....	1367
Enrolled	1501, 1502
Signed	1508
Sent to the governor.....	1511
343—By Clark. Providing for the trial of persons charged with the commission of the crime of murder, who are confined in a prison or reformatory.	
Introduced and referred....	746
Reported unfavorably	855
Indefinitely postponed.....	855
344—By De Armand (by request). Defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to chap-	

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ter 5-b of title III of the 1907 supplement of the code.	
Introduced and referred....	767
Reported with amendments.....	902, 903
Amendments adopted.....	1022, 1023
Passed	1023
Passed House	1665
Passed on file.....	1668
Enrolled	1718, 1719
Signed	1733
Sent to the governor.....	1738

345—By Francis (by request). Authorizing seining of certain kinds of fish along the Mississippi river and other boundary waters in the state of Iowa, and providing a license fee therefor, and fixing the amount of such fee and the conditions under which such license may be issued.	
Introduced and referred....	790
Reported unfavorably	1716
Indefinitely postponed	1716

346—By Frudden. Amending section five hundred sixty-five (565) of the code, relating to the appointment of deputy assessors in any township including a city of special charter.	
Introduced and referred....	790
Reported	985
Passed	1155, 1156

347—By Taylor. To make an appropriation for the erection of a monument, and otherwise beautify the lot where rests the remains of Wilson A. Scott.	
Introduced and referred....	790
Reported unfavorably	1632
Indefinitely postponed.....	1633

348—By Allen of Pocahontas. To repeal section sixty-nine (69) of the code, and to enact a substitute therefore, providing for a report by the board of parole, also to amend section two hundred and ninety-three (293) of the code, relating to the report of criminal statistics to the secretary of state; also amending section four hundred and seventy-five (475) of the code relating to the report of county auditors, also amending section five thousand six hundred forty-one (5641) of the code relating to the duties of the sheriff.	
Introduced and referred.....	790, 791
Reported	906
Passed	1031, 1032
House indefinitely postpones	1362
Passed on file.....	1369

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Recalled by House	1413
*Request granted	1418
Amended and passed House	1506
Passed on file.....	1509
†Senate concurs.....	1533, 1534
Enrolled	1585, 1586
Signed	1604
Sent to the governor.....	1605
*Erroneously printed Senate file	
No. 248.	
†Erroneously printed House file	
No. 348. Title also wrong.	

349—By Gilliland. To appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in section twenty-five hundred and seventy-five-a-forty-eight (2575-a-48) and section twenty-five hundred and seventy-five-a-forty-nine (2575-a-49) of the supplement to the code, 1907.	
Introduced and referred....	809
Reported	1013
Passed	1089
Passed House	1647, 1648
Passed on file.....	1649, 1650
Enrolled	1721, 1722
Signed	1733
Sent to the governor.....	1737

350—By Taylor. To prevent placing obstructions on the streets and highways and providing a penalty therefor.	
Introduced and referred....	809
Reported	964
Amended	1313
Passed	1313, 1314
Title amended	1314
Passed House	1705
Passed on file.....	1733
Enrolled	1740
Signed	1769
Sent to the governor.....	1770

351—By Adams. To amend the law as it appears in sections twenty-six hundred thirty-four-d (2634-d), twenty-six hundred thirty-four-f (2634-f), twenty-six hundred thirty-four-g (2634-g), twenty-six hundred thirty-four-h (2634-h), twenty-six hundred thirty-four-e (2634-e), twenty-seven hundred thirty-four-g (2734-g), twenty-seven hundred thirty-four-h (2734-h), twenty-seven hundred thirty-four-i (2734-i), twenty-seven hundred thirty-four-k (2734-k), and twenty-seven hundred thirty-eight (2738), of the supplement to the code, 1907, relating to the issuance, validation and renewal of state and county certificates, and enrollment fee in the county	
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normal institutes, and enact substitutes therefor.	
Introduced and referred....	825
Extra copies printed.....	888
Substitute reported	1284
Made special order.....	1351
352—By Clark. To amend section two hundred and seventy (270) of the code of 1897, relative to juries in superior courts.	
Introduced and referred....	826
Reported unfavorably	905
Indefinitely postponed	905
353—By De Wolf. Authorizing Mutual Accident Insurance companies or associations incorporated under the title nine (9), of the code, to re-incorporate as stock companies.	
Introduced and referred....	826
Reported unfavorably	1283
Indefinitely postponed.....	1352
354—By Larrabee (by request). To repeal section two thousand five hundred and thirty-four (2534) of the supplement to the code, 1907, and to enact a substitute therefor, and to amend section five thousand twenty-eight-j (5028-j) of the supplement to the code, 1907, all relating to the state veterinary surgeon.	
Introduced and referred....	826
Reported unfavorably	1012
Indefinitely postponed	1012
355—By Seeley. To amend section two (2), chapter two hundred and sixteen (216), of the laws of the thirty-second General Assembly, relating to agricultural extension work, and making additional appropriation therefor.	
Introduced and referred....	826
356—By Gilliland. To amend the law as it appears in paragraph three (3), section twenty-four hundred and forty-eight (2448) of the supplement to the code, 1907, relating to bonds for mulct saloons.	
Introduced and referred....	835
Withdrawn	1007
357—By Allen of Pocahontas. Relating to the compensation of the superintendent of public instruction.	
Introduced and referred....	835
Reported with amendment.	1049
Amendment adopted	1333
Lost on passage.....	1335
Motion to reconsider filed..	1373
Reconsidered	1464
Passed	1464

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358—By Saunders. Prohibiting the giving of immoral plays, exhibitions, and entertainments and the use of leasing and using real property therefor and providing a penalty for the violation thereof.	
Introduced and referred....	854
Reported	953
Passed	1331, 1332
Passed House	1689
Passed on file.....	1695
Enrolled	1759, 1760
Signed	1769
Sent to the governor.....	1771
359—By Wilson. Repealing section two thousand nine hundred-a-25 (2900-a-26) of the code supplement and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.	
Introduced and referred....	862
Reported	955
Passed	1009, 1010
Passed House	1541
Passed on file.....	1547
Enrolled	1555, 1586
Signed	1604
Sent to the governor.....	1605
360—By Francis. To amend the law as it appears in sections twenty-five hundred forty- (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred fifty (2550), twenty-five hundred fifty-two (2552), twenty-five hundred fifty-six (2556), of the supplement to the code, 1907, and sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-five (2555), and twenty-five hundred sixty-two (2562) of the code, relating to the protection of fish and game.	
Introduced and referred....	867
Reported unfavorably	1717
Indefinitely postponed	1717
361—By Peterson. To amend section three hundred thirty-five (335) of the code, relating to the selection of persons to serve as petit and grand jurors and talesmen.	
Introduced and referred....	880
Reported	954
Passed	1266, 1267
Passed House	1665
Passed on file.....	1668
Enrolled	1718, 1719
Signed	1733
Sent to the governor.....	1739
362—By Gilliland. To repeal section fourteen hundred fifteen (1415) of the code, relating to the apportionment of taxes by county treasurers and to enact a substitute therefor.	

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Introduced and referred....	880
Reported with amendment.....	1048
Amendment adopted	1199
Passed	1199, 1200
Title amended.....	1200
Passed House	1728
Passed on file.....	1735
Enrolled	1753, 1754
Signed	1769
Sent to the governor.....	1771

363—By Ream. To promote the public safety by requiring persons or corporations operating railways within the state of Iowa to equip locomotives or other power, with headlights of certain power, and providing a penalty for the violation thereof.

Introduced and referred....	880
Reported unfavorably	1577
Indefinitely postponed	1577

364—By Allen of Van Buren. To amend House File No. 60, passed by the Thirty-third General Assembly February 19, 1909, and approved February 24, 1909, relating to the burial of indigent soldiers and sailors and their wives and widows.

Introduced and referred....	880
Reported unfavorably	1039
Indefinitely postponed	1039

365—By Taylor (by request). To provide for the payment of a bounty for the destruction of foxes.

Introduced and referred....	880
Substitute reported	1112
Substitute adopted	1348
Passed	1348, 1349

366—By Sammis. To establish a public service commission and prescribing its powers and duties, and providing for the regulation and control of public utilities, and making an appropriation therefor; also transferring the powers and duties of the executive council as prescribed by chapter seventy-one (71) of the acts of the thirty-third General Assembly of Iowa, in so far as they relate to public service corporations, and the powers and duties of the Board of Railroad Commissioners as prescribed by law to said commission; also repealing the powers heretofore granted to cities and towns and cities acting under special charters and cities acting under the commission plan, to fix charges for meters, or to regulate and fix the rates of water, gas, electric light or other public utilities, and the

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period of duration of their franchises; also repealing all powers heretofore granted to such towns and cities in conflict with this act and confer on such cities and towns certain additional powers.	
Introduced and referred....	896
Withdrawn and rereferred..	981
Withdrawn and rereferred....	1062
Reported unfavorably	1108
Extra copies printed.....	1121
Made a special order.....	1134
Indefinitely postponed	1393
Petition relative to.....	1230

367—By Allen of Pocahontas. Defining the elements of damage that may be proven and awarded where the death of the wife has been caused by the fault of any person, firm or corporation, and providing a remedy in behalf of the husband.

Introduced and referred....	915
Reported with amendment..	953
Amendment adopted	1079
Passed	1079, 1080

368—By Sammis (by request). To repeal section six hundred and forty-eight (648), title V, chapter 2, of the code of 1897, as amended by the acts of the Thirty-second General Assembly, and to enact a substitute therefor.

Introduced and referred....	926
Reported and rereferred.....	953, 954
Reported unfavorably	1052
Indefinitely postponed	1052

369—By Mattes. In regard to admission to the Soldiers' Home and payment for support by members.

Introduced and referred....	926
*Reported	994
Amended	1232
Passed	1332, 1333
Passed House	1432
Passed on file.....	1440
Enrolled	1499, 1500
Signed	1508
Sent to the governor.....	1512
*Erroneously printed House file No. 369.	

370—By Cosson. To enjoin and abate houses of lewdness, assignation and prostitution to declare the same to be nuisances, person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof.

Introduced and referred....	931
Reported with amendment..	1051
Amendment adopted	1139, 1140

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Passed	1140
Passed House	1620
Passed on file	1623
Enrolled	1722, 1723
Signed	1733
Sent to the governor	1737
371—By De Armand. To enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt.	
Introduced and referred....	933
Reported with amendments.	985
Amendments adopted	1133
Passed	1133
Amended and passed House	1319
Passed on file	1321
Senate concurs	1381, 1382
Enrolled	1498, 1499
Signed	1508
Sent to the governor	1512
372—By De Armand. To amend the law as it appears in section twenty-seven hundred and thirty-four-h (2734-h) of the supplement to the code, 1907, relating to the certification of teachers.	
Introduced and referred....	933
Reported	1002
Considered	1142, 1143
Passed	1143
373—By Larrabee. To amend section ten hundred fifty-six-a9 (1056-a9) of the supplement to the code, 1907, relating to the publication of the state auditor's report of municipal accounts.	
Introduced and referred....	933
*Reported	1068
Passed	1217, 1218
Passed House	1621
Passed on file	1624
Enrolled	1658, 1659
Signed	1672
Sent to the governor	1671
*Erroneously printed Senate file No. 375.	
374—By Larrabee (by request). To amend section one hundred twenty-five (125) of the supplement to the code, 1907, relating to the printing and binding of reports of financial statements of cities and towns.	
Introduced and referred....	933
Reported with amendment.	
Amendment adopted	1067, 1068
Passed	1217
Passed House	1217
Passed on file	1710
Enrolled	1734
Signed	1740
Sent to the governor	1769
	1770

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375—By Whipple. Amendatory and additional to paragraph three of section thirty-five hundred and five (3505) of the code, providing for change of place of trial in civil actions.	
Introduced and referred....	936
Reported unfavorably	1233
Indefinitely postponed	1233
376—By Stuckslager. To confer additional powers of certain cities organized under chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa and transferring to the city councils of such cities the powers conferred on the river front improvement commissions organized in such cities under chapter two hundred ten (210) of the acts of the Twenty-ninth General Assembly of Iowa, empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurer of such cities, and providing for special assessments and the levy of special taxes for the improvement of the banks and beds of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department or general fund.	
Introduced and referred....	963
Reported with amendments.	1065
Amendments adopted.	1128, 1129
Passed	1129, 1130
Motion to reconsider filed.	1160
Reconsidered	1211
Indefinitely postponed	1212
377—By Seeley. To amend section twenty-seven hundred and eighty-one (2781) of the code, relating to the publication of annual financial statements of independent city or town districts.	
Introduced and referred....	963
Reported	1146
Passed	1271, 1272

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378—By Moon. Defining the offense and providing a punishment for the purchase of intoxicating liquors, or the inducing the purchase of the same, by persons to whom the sale of such liquors is forbidden by law.	
Introduced and referred....	963, 964
*Reported with amendment.....	1470
Amendment adopted.....	1531
Passed	1531, 1532
Title amended	1532
*Erroneously printed House File	

No. 378.

379—By Peterson. To amend the law as it appears in section five thousand seven hundred eighteen-a-eighteen (5718-a-18) of the supplement to the code, 1907, relating to the power of the board of parole, to establish rules and regulations governing paroles.	
Introduced and referred....	968
Reported	1050
Passed	1116, 1117
*House indefinitely postpones	1413
Recalled by House.....	1471
Passed on file.....	1474
Passed House.....	1699
Passed on file.....	1700, 1701
Enrolled	1761
Signed	1769
Sent to the governor.....	1772
*Erroneously printed Senate File	

No. 399.

380—By Saunders. Acquiring by condemnation proceedings by cities and towns of heating plants, water works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907.	
Introduced and referred.....	975, 976
Reported	1237
Passed	1266
Passed House.....	1666
Passed on file.....	1668
Enrolled	1717, 1718
Signed	1733
Sent to the governor.....	1738

381—By Allen of Pocahontas. To amend the law as it appears in section four hundred and ninety (490) of the supplement to the code, 1907, by adding to said section a subdivision numbered "6" providing additional pay to the county treasurers in counties having levee and drainage districts.	
Introduced and referred.....	1002
Reported unfavorably.....	1049
Indefinitely postponed.....	1049

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382—By Saunders. Authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions.	
Introduced and referred....	1003
Reported	1288
Passed	1391, 1392
Passed House.....	1432
Passed on file.....	1440
Enrolled	1496
Signed	1508
Sent to the governor.....	1513

383—By Gilliland. To amend the law as it appears in section nineteen hundred and eighty-nine-a-twenty-seven (1989-a-27) of the supplement to the code, relating to drainage bonds.	
Introduced and placed on calendar	1007
Passed	1154, 1155
Title amended	1155
Amended and passed House.....	1543
Passed on file.....	1550
Senate concurs	1553, 1554
Enrolled	1645, 1646
Signed	1650
Sent to the governor.....	1651

384—By Dowell. To amend the law as it appears in section seven hundred forty-one-f (741-f), chapter four, title five, of the supplement to the code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two and one-half per centum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.	
Introduced and referred....	1011
Reported with amendment.....	1255
Amendment adopted.....	1255, 1256
Passed	1256
Title amended	1256
Amended and passed House.....	1433
Passed on file.....	1440

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Senate concurs	1447, 1448
Enrolled	1496, 1497
Signed	1508
Sent to the governor.....	1513
Petition relative to.....	945

385—By De Armand (by request). To provide for the release of the state of Iowa, of its right of escheat in the personal estate of Jack Wright (colored), deceased, of Scott county, Iowa, and providing to whom said personal estate shall be released.	
Introduced and referred....	1014
Reported unfavorably.....	1289
Indefinitely postponed.....	1289

386—By Balkema. Defining gift enterprise and authorizing special charter cities and cities of the first and second class to license, tax and regulate the same.	
Introduced and referred....	1014
Substitute reported.....	1516
Substitute adopted.....	1603
Passed	1603
Passed House	1661
Passed on file.....	1667
Enrolled	1718, 1719
Signed	1733
Sent to the governor.....	1739

387—By Committee on Schools. To prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor.	
Introduced and placed on calendar	1037
Passed	1080, 1081
Passed House.....	1563
Passed on file.....	1579
Enrolled	1644, 1645
Signed	1650
Sent to the governor.....	1650

388—By Frudden. To provide for a method of nominating candidates for certain offices in cities of the first and second class, and those acting under special charters, and repealing section ten hundred eighty-seven - a - thirty-four (1087-a-34) of the supplement to the code of 1907.	
Introduced and referred....	1048
Reported	1190
Amended	1283
Lost on passage.....	1282
Motion to reconsider filed..	1283
Reconsidered	1491
Passed	1491, 1492

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389—By Ream. To provide the method of constructing and operating gypsum mines and to provide for the inspection of same by the state mine inspectors, additional to chapter nine (9) of title twelve (12) of the code.	
Introduced and referred....	1048
Substitute reported.....	1395
Amendment offered.....	1459
Consideration postponed....	1460
Substitute adopted	1503
Amendment adopted	1504
Amended	1504
Passed	1504, 1505
Motion to reconsider filed..	1537

390—By Francis. To amend the law as it appears in section twenty-nine hundred-a-twenty-eight (2900-a-28) of the supplement to the code, 1907, relating to islands within the waters of the state, authorizing the executive council to sell same.	
Introduced and referred....	1082
Reported unfavorably	1235
Indefinitely postponed.....	1235

391—By De Wolf (by request). To prohibit the improper use of milk and cream cans, defining the same and providing a penalty for the same.	
Introduced and referred....	1082
Substitute reported	1145
Consideration postponed	1184
Substitute adopted	1591, 1592
Passed	1592
House fails to pass	1705
Passed on file.....	1733, 1734

392—By Allen of Pocahontas. To amend the law as it appears in section twenty-seven hundred and twenty-seven - a - fifty-eight (2727-a-58), and twenty-seven hundred and twenty-seven-a - fifty-nine (2727-a-59), of the supplement to the code, 1907, providing for the inspection of county and city jails.	
Introduced and referred....	1082
Reported unfavorably	1126
Indefinitely postponed	1126

393—By Parshall. To amend the law as it appears in section four hundred eighty-b (480-b) of the supplement to the code, 1907, relating to the duties of county auditors.	
Introduced and referred....	1088, 1089
Reported	1224
Passed	1310
Passed House	1472
Passed on file.....	1474
Enrolled	1556, 1557
Signed	1562
Sent to the governor.....	1548

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394—By Sammis. To legalize the action of the independent school district of Marcus, Cherokee county, Iowa, in voting of bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.	
Introduced and referred....	1098
Reported with amendment....	1125
Amendment adopted	1215
Passed	1215, 1216
Passed House	1656
Passed on file.....	1670
Enrolled	1720
Signed	1733
Sent to the governor	1738
395—By Hunter. To legalize certain notices of incorporation.	
Introduced and referred....	
.....	1147, 1148
Reported with amendment....	1235
Amendment adopted	1273, 1274
Passed	1274
Passed House	1620
Passed on file.....	1623
Enrolled	1658, 1659
Signed	1672
Sent to the governor.....	1671
396—By Dowell. To amend the law as it appears in section ten hundred fifty-six-a-thirty-six (1056-a-36), chapter fourteen-c, title five, of the supplement to the code, 1907, relating to the government of certain cities and the recalling of elective officers therein.	
Introduced and referred....	1159
Reported with amendments.	
.....	1236, 1237
Amendments adopted	1405, 1406
Passed	1406
397—By Fitchpatrick. Legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.	
Introduced and referred....	1177
Reported	1233
Passed	1244, 1245
Passed House	1563
Passed on file.....	1579
Enrolled	—
Signed	—
Sent to the governor.....	—
398—By Fitchpatrick. To repeal the law as it appears in section thirty-four hundred and forty-seven-b (3447-b) of the supplement to the code, 1907, and enact a substitute therefor relating to the recovery of interest in real estate where spouse failed to join in conveyance or	

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relinquish interest in which right of dower or homestead had attached.	
Introduced and referred	1177, 1178
Reported unfavorably	1233
Indefinitely postponed	1233
399—By Fitchpatrick. Providing for the release or satisfying of recorded mortgages by corporations.	
Introduced and referred....	1178
Substitute reported	1323
Substitute adopted	1426
Passed	1426, 1427
Passed House	1584
Passed on file.....	1594
Enrolled	1644, 1645
Signed	1650
Sent to the governor.....	1650
400—By Judiciary Committee. Payment of certain debts by prostitutes, prohibiting payment of certain debts by labor of prostitutes, and providing penalty for violations.	
Introduced and placed on calendar	1191
Passed	1200, 1201
401—By Fitchpatrick. To legalize the acts of the city council and mayor of the city of Ames, Iowa, in contracting indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one-fourth per cent for the erecting, maintaining and operating an electric light and power plant and water-works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.	
Introduced and referred....	
.....	1191, 1192
Reported	1234
Passed	1275, 1276
Passed House	1360
Passed on file.....	1367
Enrolled	1499, 1500
Signed	1508
Sent to the governor.....	1512
402—By Committee on Appropriations. Making appropriations for the construction, repair, improvement and contingent funds for the state hospitals, penitentiaries, industrial schools, sanitarium for treatment of tuberculosis, institution for the feeble-minded, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans' home.	
Introduced and placed on calendar	1201, 1205
Amended	1383

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Passed	1384
Amended and passed House	1542, 1543
Passed on file	1550
Senate concurs	1627, 1628
Enrolled	1720
Signed	1733
Sent to the governor	1738
403—By Committee on appropriations. Making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the State Normal school.	
Introduced and placed on calendar	1205, 1206, 1207
Amended	1385, 1386
Passed	1386
Amended and passed House	1542
Passed on file	1550
Senate concurs	1628, 1629, 1630
Enrolled	1719, 1720
Signed	1733
Sent to the governor	1737
404—By Committee on Appropriations. Providing for the inside finishing and completion of the Historical, Memorial and Art building, and making an appropriation therefor.	
Introduced and placed on calendar	1207
Passed	1386, 1387
Passed House	1695
Passed on file	1701
Enrolled	1759, 1760
Signed	1769
Sent to the governor	1772
405—By Committee on Appropriations. Creating the Capitol Grounds Improvement Commission and defining its duties and making an appropriation therefor.	
Introduced and placed on calendar	1207, 1208
Passed	1387, 1388
House fails to pass	1695
Passed on file	1701
406—By Clark. To amend section four thousand eight hundred and eleven (4811) of the code, relating to getting off and on cars while in motion, and providing punishment therefor.	
Introduced and referred	1227
Reported	1234
Passed	1379, 1380
407—By McManus. To legalize the acts of John Menz as treasurer of Lee county, by reason of deposits of county and other funds in the commercial bank of Keokuk, Iowa.	
Introduced and referred	1230, 1231
Returned by committee	1617
Passed	1714, 1715
Passed House	1755
Passed on file	1756
Enrolled	1768, 1769
Signed	1769
Sent to the governor	

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408—By Committee on Public Health. To create a commission of Public Health, to transfer to said commission the powers, duties and responsibilities of the State Board of Health, and the secretary thereof, the State Board of Medical Examiners, the State Veterinary Surgeon, the State Board of Veterinary Medical Examiners, the State Food and Dairy Commissioners and the State Board of Examiners in Optometry, to abolish all of said offices, boards and commissions and to transfer to the commission of Public Health, all the powers, duties and responsibilities of the Board of Control of state institutions pertaining to the state sanitarium for the treatment of tuberculosis and making an appropriation for the maintenance of the commission and department of Public Health.	
Introduced and referred	1231
Withdrawn	1520
409—By Allen of Van Buren (by request). To amend section one thousand six hundred eighteen-a (1618-a) of the supplement to the code, 1907, relative to the renewal of the corporate charter of State and Savings banks.	
Introduced and referred	1247
Returned by committee	1617
410—By Allen of Pocahontas (by unanimous consent). Making appropriation for the farmers institute of Pocahontas county, Iowa, under the provisions of section sixteen hundred seventy-five (1675) of the supplement to the code, 1907.	
Introduced and referred	1247
Reported	1252
Rereferred	1252
Reported	1290
Passed	1382, 1383
Passed House	1647
Passed on file	1649
Enrolled	1721, 1722
Signed	1733
Sent to the governor	1736
411—By Allen of Van Buren. Providing for the punishment of any person who shall use in reference to and in the presence of another, abusive or obscene language or in any other way harass or follow after another in a manner tending to provoke an assault or any breach of the peace.	
Introduced and referred	1255
Reported unfavorably	1324
Indefinitely postponed	1324

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412—By Committee on Retrenchment and Reform. Extending the powers and increasing the duties of the State board of Education, amendatory to titles twelve (XII) and thirteen (XIII) of the code and supplement to the code, 1907, and additional to an act of the Thirty-third General Assembly creating a State Board of Education, and known as Senate File number one hundred ninety-eight (198).	
Introduced and placed on calendar	1257
Indefinitely postponed	1560
413—By Committee on Retrenchment and reform. Amending sections one hundred fifty (150) and one hundred fifty-one (151) of the code, relating to the duties of the custodian of public buildings and property.	
Introduced and placed on calendar	1258
Passed	1388, 1389
Passed House	1507
Passed on file	1510
Enrolled	1556, 1557
Signed	1562
Sent to the governor	1548
414—By Van Law. To amend section seven hundred and ninety-two (792) of the code, relating to street improvements and special assessments therefor.	
Introduced and referred	1258
Reported	1288
Consideration postponed	1351
Substitute offered and adopted	1492
Passed	1493
Passed House	1727
Passed on file	1734
Enrolled	1753, 1754
Signed	1769
Sent to the governor	1771
415—By Smith of Mitchell. To repeal section five hundred ninety-nine (599) and section six hundred (600) of the code, relating to the incorporation of towns, and enacting substitutes therefor relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relation thereto.	
Introduced and referred	1314
Reported unfavorably	1517
Indefinitely postponed	1517

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416—By Whipple. To prohibit free service and discriminatory rates for telephone and telegraph service and providing a penalty therefor.	
Introduced and referred	1343
417—By Whipple. To amend section one (1) of chapter one hundred and eighty-three (183) of the laws of the Thirty-first General Assembly relating to the levy of a millage tax for the State University of Iowa and providing for expenditure thereof.	
Introduced and referred	1343
Reported	1488
Passed	1488, 1489
Passed House	1621
Passed on file	1623
Enrolled	1659, 1660
Signed	1672
Sent to the governor	1672
418—By Whipple. Providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same; prohibiting political influence and contributions by them and providing a penalty therefor.	
Introduced and referred	1343
Reported with amendments	1515
Amendments adopted	1564, 1565
Passed	1565
Title amended	1565
Amended and passed House	1690
Passed on file	1695, 1696
Senate concurs	1706
Enrolled	1740, 1741
Signed	1769
Sent to the governor	1771
419—By Whipple. To amend section one (1) of chapter one hundred and eighty-four (184) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State College of Agriculture and Mechanic Arts and providing for the expenditure thereof.	
Introduced and referred	1346
Reported	1486
Passed	1486, 1487
Passed House	1620
Passed on file	1623
Enrolled	1658, 1659
Signed	1672
Sent to the governor	1672
420—By Whipple. To amend section one (1) of chapter one hundred and eighty-six (186) of the laws of the Thirty-first General Assembly, relating to the levy of a millage tax for the State Normal school and providing for the expenditure thereof.	

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Introduced and referred.....	1346	for that purpose by the city clerk of said city.	
Reported	1487	Introduced and referred.....	1451
Passed	1487, 1488	Reported	1513
Passed House	1620	Indefinitely postponed	1560
Passed on file.....	1623		
Enrolled	1659, 1660		
Signed	1672		
Sent to the governor.....	1672		
421—By Dowell. Conferring upon cities and towns organ- ized under chapter four- teen-c title V, of the sup- plement to the code, 1907, additional powers in con- nection with the grant- ing of franchises for street railways, water- works, electric light and gas plants.		425—By Francis. To legalize the acts of the board of di- rectors of the school township of Garfield, in the county of Clay, and state of Iowa; appointing the officers therefor, and legalizing the levy of tax- es made for said school township in 1908.	
Introduced and referred.....	1346	Introduced and referred....	1454
Withdrawn	1576	Reported	1515
422—By Allen of Pocahontas. Leg- alizing the ordinances of the incorporated town of Laurens, Iowa.		Passed	1616, 1617
Introduced and referred....	1418	Passed House	1686
Withdrawn from committee	1420	Passed on file.....	1687
Passed	1420, 1421	Enrolled	1759, 1760
Amended and passed House	1563	Signed	1769
Passed on file.....	1578	Sent to the governor.....	1687, 1772
*Senate concurs	1579, 1580		
Enrolled	1644, 1645		
Signed	1650	426—By De Armand. To amend the law as it appears in section twenty-four hun- dred ninety-three (2493) of the supplement to the code, 1907, relating to the sale of poisons.	
Sent to the governor.....	1651	Introduced and referred....	1531
*Erroneously printed Senate file No. 421.		Reported	1582
423—By Committee on Retrench- ment and reform. Re- pealing section one hun- dred sixty-two (162) of the code and law as it appears in sections one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the supplement to the code, 1907, defining the character of vouchers up- on which warrants shall be drawn by the auditor of state upon the state treasury and requiring a biennial report of state expenses for the several state offices, boards, com- missions and institutions to be made by the Execu- tive Council.		Passed	1673, 1674
Introduced	1428	Passed House	1742
Placed on calendar.....	1429	Passed on file.....	1743
Indefinitely postponed	1574	Enrolled	—
424—By Adams. Legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improve- ments therein and appro- priating money from the park fund in payment of the same, and any and all acts of the city treasurer in payment of warrants drawn on the park fund		Signed	1769
		Sent to the governor.....	—
		427—By Francis. To amend the law as it appears in sec- tion seven hundred and ninety-one-i (791-i) of the supplement to the code, 1907, relating to special assessments for sidewalk and street improvements in cities and towns.	
		Introduced	1532
		Referred	1533
		*Reported	1576
		Passed	1674, 1675
		*Erroneously printed House file No. 427.	
		428—By Gates. To increase the support funds of the state hospitals in which insane patients are kept.	
		Introduced and referred....	1571
		Returned by committee.....	1618
		Presented by sifting com- mittee	1680
		Passed	1680, 1681
		429—By Francis. To amend the law as it appears in sec- tion nineteen hundred eighty-nine-a - fourteen (1989-a-14) of the supple- ment to the code, 1907, relating to proceedings after decision upon ap- peal.	
		Introduced and re- ferred	1571, 1572

SENATE JOINT RESOLUTIONS

1835

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Reported	1582
Passed	1677, 1678
Passed House	1727
Passed on file.....	1734
Enrolled	1753, 1754
Signed	1769
Sent to the governor.....	1771
430—By Committee on compensation of public officers. To amend section twelve (12) of the code relative to the compensation of members of the General Assembly.	
Introduced	1625
Referred to Sifting committee	1626
Presented by Sifting committee	1696
Passed	1697
House fails to pass.....	1706
Passed on file.....	1734
431—By Sammis (by request). To amend the law as it appears in section eight hundred ninety-three (893) of the code of 1907, relative to the collection of road tax.	
Introduced	1666
Passed on file.....	1666
432—By Committee on Appropriations. Appropriating two hundred (\$200) dollars to the Williamsburg Fair association under the provisions of section one thousand sixty-one-a	

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(1661-a) of the supplement to the code, 1907.	
Introduced	1666
Passed on file.....	1667
Passed	1702, 1703
Passed House	1744
Passed on file.....	1752
Enrolled	1764, 1765
Signed	1769
Sent to the governor.....	1770
433—By Committee on Appropriations. To make appropriations for the payment of state and judicial officers, state and other expenses.	
Introduced	1745, 1749
Passed	1750
Amended and passed House	1755
Passed on file.....	1755
Senate concurs	1757, 1758
Enrolled	1768, 1769
Signed	1769
Sent to the governor.....	—
434—By Smith of Mitchell. To provide for the general levy for state purposes for the years nineteen hundred and nine (1909) and nineteen hundred ten (1910).	
Introduced	1756
Passed	1757
Passed House	1761
Passed on file.....	1762
Enrolled	1768, 1769
Signed	1769
Sent to the governor.....	—

SENATE JOINT RESOLUTIONS

INTRODUCTION AND ACTION

No.	Page
1—By Maytag. Appointment of additional employes.	
Introduced	131
Passed on file.....	132
2—By Jamieson. Proposing an amendment to the constitution of the state of Iowa, amendatory of section one of article II of said constitution.	
Introduced and referred....	440
Reported without recommendation	594
Report of committee amended	731, 732
Indefinitely postponed	732
3—By Peterson. Appointment of commission to investigate the natural resources and water-ways of the state, defining the duties of such commission and making appropriation therefor.	
Introduced and referred....	605
Reported with amendments	1012
Amendments adopted 1144, 1145	
Passed	1145
House indefinitely postpones	1543
Passed on file.....	1551

No.	Page
4—By Sammis (by unanimous consent). Providing for the appointment of a joint committee to investigate the subject of the best methods of further regulating and controlling the public service corporations doing business in the state, and providing for the report of said committee to the next General Assembly, and for the payment of the expenses of such investigation and defining the powers of the committee.	
Introduced and referred....	1251
Reported unfavorably	1290
Made a special order.....	1400
Report not adopted.....	1489
Amended	1489, 1490
Passed	1490
House fails to pass.....	1686
Passed on file.....	1687
5—By Committee on Appropriations. Approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings	

No.	Page	No.	Page
	at the State College of Agriculture and Mechanic Arts.		House insists1710
Introduced	1630		Conference committee ap- pointed1710, 1711
Considered	1631		Conference committee re- port recommending adop- tion of House amend- ments1724
Passed1631, 1632			Report and amendments adopted1725, 1726
Passed House	1727		House adopts report.....1739
Passed on file.....1734			Passed on file.....1739
Enrolled	1753, 1754		Enrolled1753, 1754
Signed	1769		Signed1736, 1769
Sent to the governor.....	1771		Sent to the governor.....1771
6—By Committee on Retrench- ment and reform. Fixing the number and compen- sation of employes in the department of state at the seat of government.		7—By Committee on Appropri- ations. Approving esti- mates of cost, plans and specifications for com- pletion of buildings, and erection of new buildings at the State University.	
Introduced	1634		Introduced1691
Placed on calendar.....	1638		Considered1692
Amended	1649		Passed1692, 1693
Amendment offered	1649		Passed House1742
Consideration postponed	1649		Passed on file.....1743
Amendment lost1656, 1657			Enrolled
Passed	1657		Signed1769
Explanation of vote.....1657, 1658			Sent to the governor.....
Amended and passed House.....	1695		
Passed on file.....	1701		
Senate refuses to con- cur	1701, 1702		

SENATE CONCURRENT RESOLUTIONS

INTRODUCTION AND ACTION

- By Dowell. Appointment of joint committee on inauguration. Offered and adopted 7; House concurs 11; passed on file, 11.
- By Maytag. Appointment of joint committee on additional employes. Offered and adopted 7; House concurs 11; passed on file 11.
- By Saunders. Requesting secretary of state to furnish code, code supplement, etc., to each member of Thirty-third General Assembly. Offered and adopted 8; House amends and concurs, 44; Senate concurs, 44.
- By Peterson. Holding of joint convention to hear message of Governor Garst and to canvass vote on governor and lieutenant governor. Offered and adopted, 9; reconsidered and House concurrent resolution adopted as a substitute, 10.
- By Allen. Adjournment January 14 to January 19, 1909. Offered, 42; Senate refuses to adopt, 43; reconsidered and adopted, 44, 45; House concurs, 46; passed on file, 46.
- By Smith of Mitchell. Inviting Governor Wm. Larrabee to address joint convention Wednesday January 20, 1909, on his 77th birthday. Offered, 46; adopted, 47; House concurs, 47; passed on file, 47.
- By Bennett. Appointment of committees to visit state institutions and submit reports, and providing for adjournment Wednesday, January 20 to Monday January 25, 1909. Offered, 124; withdrawn, 154.
- By Francis. Publication of vest pocket edition of Rules of Thirty-third General Assembly. Offered, 153; withdrawn, 162.
- By Smith of Des Moines. Authorizing educational institutions to make application for admission to rights and privileges of the Carnegie Foundation for Advancement of Teaching. Adopted, 154.
- By Gilliland. Making "Iowa, Beautiful Land" the song of Iowa. Offered, 182.
- By Jamieson. Adjournment sine die March 20, 1909. Offered, 195; laid on the table, 197.
- By Stuckslager. Appointment of joint standing committee to visit state institutions. Offered, 218; considered, 219; substitute offered, 219; substitute lost, 220; amended, 220; substitute offered, 220; substitute lost, 221; resolution as amended adopted, 221; motion to reconsider filed, 236; motion to reconsider lost, 241; House amends and concurs, 312; passed on file, 318; Senate concurs, 330.
- By Dowell. Authorizing custodian to arrange for installation of lunch counter in basement of capitol. Offered and adopted, 254; House concurs, 266; passed on file, 266.
- By Balkema. Adjournment from Friday, February 12, to Tuesday, February 16, 1909. Offered, 315; amended and adopted, 333, 334; motion to reconsider filed, 335, 336; reconsidered and amended, 344, 345; reconsidered, 360, 361; substitute adopted, 361.

- By Larrabee. Memorializing Iowa members of congress to use their influence to secure legislation for the conservation of natural resources. Offered, 329.
- By Chapman. Appointment of committee to prepare a bill fixing the entrance requirements of the State Normal school and the State Agricultural college. Offered, 417.
- By Senator Frudden. Memorializing congress to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor. Offered, 417; adopted, 465; House concurs, 589; passed on file, 592.
- By Francis. Adjournment from Saturday, February 27 to Wednesday, March 3, 1909. Offered, 476; amended and adopted, 477; House amends and concurs, 532; Senate concurs, 533.
- By Quigley. Memorializing Iowa members of congress to use their influence for the conservation of fish and regulation of the fish industry. Offered, 572.
- By Gilliland. Adjournment sine die on Thursday, April 1, 1909. Offered, 873; made a special order,

915; adopted, 936; motion to reconsider filed, 972.

- By Clarkson. Requesting railroad commissioners to investigate discriminatory coal rates. Offered, 1003.
- By Allen of Pocahontas. Holding of joint convention Monday, March 29, at 11:30 a. m. for purpose of hearing an address by Hon. Gifford Pinchot. Offered and adopted, 1213; House concurs, 1221; passed on file, 1226.
- By Gates. Holding of joint convention for electing trustees and regents of state educational institutions. Adopted, 1305; House concurs, 1319, 1320; passed on file, 1321.
- By Smith of Mitchell. Authorizing secretary of state to have printed 1,000 copies of report of Capitol Commission. Offered, 1354; adopted, 1355; House concurs, 1528, 1529; passed on file, 1536.
- By Mattes. Requiring certain officers of House and Senate to remain after adjournment and complete the work of their respective offices. Offered and adopted, 1580, 1581; House concurs, 1622; passed on file, 1624.

HOUSE BILLS

RECEPTION AND ACTION

H. F.	Page.
1—To make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson county, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.	
Received	450
Referred	455
Reported	706
Passed	888, 889
Enrolled	937
Signed	947
House requested to return..	957
Returned by House.....	959
Passed on file.....	965
Reconsidered	965
Amended and passed.....	906
House concurs	987
Passed on file.....	1004
Enrolled	989
Signed	1004
2—To repeal sections 1056-a-17, 1056-a-18, and 1056-a-26 of chapter 14-c of the supplement to the code,	

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1907, and to enact substitutes therefor and to amend sections 1056-a-19, 1056-a-20, 1056-a-21, 1056-a-24, 1056-a-25, 1056-a-28, 1056-a-32, and 1056-a-39 of chapter 14-c of the supplement to the code, 1907, all relating to the government of certain cities.	
Received	655
Referred	663
Reported with amendments	727
Amendments adopted	914
Passed	914, 915
House concurs	969
Passed on file.....	980
Enrolled	1067
Return from House requested	1069
Returned by House.....	1072
Passed on file.....	1082
Reconsidered	1115, 1116
Amended	1116
Consideration postponed ..	1116
Passed	1126, 1127
House concurs	1157
Passed on file.....	1175
Enrolled	1220
Signed	1223

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3—To create a legislative commission to examine the subject of taxation for state and local purposes and the expediency of revising and amending the laws relating thereto and making an appropriation therefor.	
Received	1344
Referred	1353
Recalled and rereferred	1454
Reported unfavorably	1694
Indefinitely postponed	1694
4—To establish the office of Commerce Counsel, and defining the powers and duties of the same.	
Received	1449
Referred	1453
Reported unfavorably	1544
Indefinitely postponed	1545
Motion to reconsider filed	1587
Reconsidered	1587
Point of order raised	1587
Point of order not sustained	1588
Petition relative to	932
5—To amend the law as it appears in section fifteen hundred thirty-two-a (1532-a) supplement to the code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax.	
Received	306
Referred	306
Substitute reported	573
Made special order	668
Substitute adopted	677
Considered	677, 678, 679
Amended	679, 680
Passed	680, 681
House concurs	782
Passed on file	791
Enrolled	831, 832
Signed	834
7—For the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the city of Emmetsburg.	
Received	294
Referred	298
Reported	311
Passed	336, 337
Enrolled	356
Signed	358
8—To compel manufacturers and owners of corn huskers, shuckers and shredders, to provide automatic feeders or other safety device to safeguard against accidents and making the sale or use thereof a misdemeanor and fixing a penalty for violation.	
Received	842
Referred	866
Returned by committee	1618

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9—To repeal section three thousand three hundred and seven (3307) of the supplement to the code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor.	
Received	316
Referred	318, 319
Substitute reported	367
Substitute adopted	412
Passed	413
House refuses to concur	519
Passed on file	521
Senate insists and asks for conference committee 562, 563	
Conference committee appointed	563, 616
Passed on file	628
House adopts report and amendments proposed by conference committee	1584
Passed on file	1593
Report of conference committee recommending that Senate recede from its substitute and adopt amendments	1626
Report and amendments adopted	1626, 1627
Enrolled	1711
Signed	
11—To repeal section 3268 of the code, relative to the time and manner of examination of bonds, of guardians, executors, administrators and trustees, by clerk of the district court and to enact a substitute therefor.	
Received	218
Referred	222
Reported	272
Passed	282, 233
Enrolled	322
Signed	322
12—Providing for the guardianship of the estates of absentees, additional to chapter 5, title 16, of the code.	
Received	676
Referred	684
Reported with amendments	1408
Amendments adopted	1467, 1468
Passed	1468
House concurs	1527
Passed on file	1535
Enrolled	1554
Signed	1575
13—Requiring that all bonds required to be given in any judicial proceeding shall contain a contract for the payment of attorney's fees and providing for their collection.	
Received	828
Referred	834
Reported unfavorably	954
Indefinitely postponed	1185, 1186
14—To repeal section four hundred ninety-one (491) of the code, relating to com-	

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pensation of deputy treasurers, and enacting a substitute therefor.	
Received	841
Referred	865
Reported unfavorably	1326
Indefinitely postponed	1326
15—To repeal section 481 of the code, relating to compensation of deputy auditors and enacting a substitute therefor.	
Received	1227
Referred	1229
Reported unfavorably	1325
Indefinitely postponed	1325
18—To amend the law, as the same appears in section ten hundred eighty-seven-a-thirty-four (1087-a-34) of the supplement to the code, 1907, relating to primary elections.	
Received	294
Referred	299
21—To amend section twenty-one hundred sixty-five-a (2165-a) and twenty-one hundred sixty-five-b (2165-b) of the code supplement, pertaining to the duty of express companies maintaining an office at or near the business center of cities and towns, and the duty of the railroad commissioners as to the same.	
Received	1016
Referred	1036
Reported unfavorably	1370
Indefinitely postponed	1371
28—To amend section one, chapter five, of the acts of the sixteenth general assembly of the state of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa.	
Received	218
Read first and second time	222
Considered	222
Referred	223
Reported	273
Passed	283, 284
Enrolled	321
Signed	322
29—Repealing section five hundred and ninety-one (591) of the code relating to the compensation of township clerks and enacting a substitute therefor.	
Received	1016
Referred	1036
Substitute reported	1188, 1189
Substitute adopted	1376
Passed	1376
House concurs	1434
Passed on file	1441
Enrolled	1497
Signed	1508

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30—Repealing section five hundred ninety-two (592) of the code, relating to the compensation of township assessors and enacting a substitute therefor.	
Received	1055
Referred	1062
*Substitute reported	1189
Substitute adopted	1267
Passed	1267, 1268
House concurs	1293
Passed on file	1296
Enrolled	1424
Signed	1443
*Erroneously printed H. F. No. 50.	
31—Repealing section 590 of the code relative to the compensation of township trustees.	
Received	1020
Referred	1033
Substitute reported	1189
Substitute adopted	1326
Passed	1326, 1327
House concurs	1384
Passed on file	1399
Enrolled	1465
Signed	1508
34—To amend the law as it appears in section 2604 of the supplement to the code, 1907, relative to the perquisites of officers of the Iowa Soldiers' Home.	
Received	218
Referred	222
Reported	296
Passed	320
Enrolled	342
Signed	343
36—Providing for the establishment of street sprinkling districts in cities and towns and to levy a tax therein for street sprinkling purposes, additional to chapter 6, title 5, of the code.	
Received	615
Referred	627
Reported	854
Consideration postponed	989
Amended	1071
Lost on passage	1071, 1072
Motion to reconsider filed	1114
Reconsidered	1577
Amendment offered	1577
Amendment lost	1578
Lost on passage	1578
37—To repeal section twenty-four hundred and forty-five (2445) of the code and to enact a substitute therefor.	
Received	349
Referred	351
Reported and rereferred	431
Reported	633
Passed	910
Enrolled	1067
Signed	1147

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42—Requiring all guaranty, fidelity and security companies doing business in the state of Iowa, to deposit with the auditor of state a guaranty fund for the protection of the citizens of the state.	
Received	615
Referred	627
Reported	702
Rereferred	703
Reported unfavorably	1283
Indefinitely postponed	1283
44—To provide that any fiduciary required by law to give bond may include the expense thereof as part of the lawful expenses of executing his trust.	
Received	697
Referred	708
Reported	729
Senate File No. 301 substituted for	817
Passed	817
House concurs	912
Passed on file	916
Enrolled	937
Signed	947
46—To provide for the punishment of persons responsible for or contributing to the delinquency of children.	
Received	1291
Referred	1295
Reported unfavorably	1341
Indefinitely postponed	1341
54—To repeal section twenty-one hundred and nineteen (2119) of the code, relating to the enforcement of the rules, orders and regulations of the board of railway commissioners, and to enact a substitute therefor.	
Received	294
Referred	298
Reported with amendments	1111
Amendments adopted	1335
Consideration postponed	1335
Amended	1344, 1345
Lost on passage	1345, 1346
Motion to reconsider filed	1351
Motion to lay on table lost	1502, 1503
Reconsidered	1601, 1602
Passed	1602
House concurs	1655
Passed on file	1668
Enrolled	1712
Signed	1733
57—To repeal paragraph 4 of section 1850 of the supplement to the code and to enact substitutes therefor, relating to the investment of funds for savings banks.	
Received	1250
Referred	1252
Reported unfavorably	1370
Indefinitely postponed	1370

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60—To repeal section four hundred and thirty - three (433) of the supplement to the code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor.	
Received	251
Referred	251
Reported	401
Passed	431, 432
Enrolled	508
Signed	510
69—To repeal the law as it appears in section five thousand and forty-a (5040-a), chapter twelve (12) of the code supplement of 1907, and to enact a substitute therefor, relating to Memorial Day.	
Received	340
Referred	342
Reported unfavorably	392
Indefinitely postponed	393
71—To repeal section 2367 of the code defining to a lawful fence.	
Received	546
Referred	564
Reported and rereferred	593
Reported with amendments	1001
Amendments adopted	1020, 1021
Amended and passed	1021, 1022
Motion to reconsider filed	1037
Motion to reconsider laid on table	1080
House concurs	1139
Passed on file	1150
Enrolled	1159
Signed	1193
Petition relative to	825
73—To repeal section 1177 of the code, relating to the commencement of term and qualification of public officers and to enact a substitute therefor.	
Received	489
Referred	500
Substitute reported	728
Substitute adopted	812
Passed	812, 813
House concurs	1017
Passed on file	1036, 1037
Enrolled	1084
Signed	1084
81—For the payment of a reward for the arrest and conviction of persons stealing horses and cattle in the state of Iowa.	
Received	812
Referred	822
Reported unfavorably	954
Indefinitely postponed	954
90—To repeal section 1322 of the supplement to the code, 1907, relating to the taxation of national, state and savings banks, and loan and trust companies and to enact a substitute therefor.	

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Received	1104
Referred	1119
Reported unfavorably.....	1553
Indefinitely postponed.....	1553

93—To amend section 5289 of the code of 1897, by adding thereto a provision permitting the county attorney to amend indictments to correct errors therein or to add allegations thereto.

Received	886
Referred	895
Reported unfavorably.....	1051, 1052
Rereferred	1215
Reported	1518
Amended	1638
Passed	1638
House concurs	1727
Passed on file.....	1734
Enrolled	1762
Signed	1769

94—To appropriate money for the use of the college for the blind, Vinton, Iowa.

Received	698
Referred	709

96—To amend section 1407 of the supplement to the code, 1907, relating to the collection of delinquent property personal tax.

Received	697
Referred	709
Reported	729
Passed	807
Enrolled	885
Signed	894

97—To indemnify Gustave Winter for personal injury sustained by him while employed at the Hospital for Insane at Independence, Iowa.

Received	1449
Referred	1453
Reported and rereferred.....	1470
Reported unfavorably.....	1495
Indefinitely postponed.....	1495

98—To repeal the law as it now appears in section three hundred thirty-seven-d (337-d) of the supplement to the code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor.

Received	281
Referred	289
Reported	544
Passed	668
Enrolled	707
Signed	732

100—To amend section seven hundred ninety-two of the code to provide for the oiling of streets and assessing the cost thereto to abutting property.

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Received	340
Referred	342
Reported unfavorably.....	431
Indefinitely postponed.....	431
Return from House requested.....	510
Returned by House.....	550
Passed on file.....	563
Referred	594
Reported unfavorably.....	769
Indefinitely postponed.....	769

102—To repeal section 1571 of the supplement to the code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads.

Received	913
Referred	917
Reported	999
Considered	1044
Consideration postponed.....	1045
Passed	1052, 1053
Enrolled	1131
Signed	1147

108—To repeal section 1675 of the supplement to the code, 1907, and to enact a substitute therefor, relative to farmers' institutes.

Received	615
Referred	627
House recalls	781, 782
Passed on file.....	791
Request for recall granted.....	807
Reported unfavorably.....	974
Indefinitely postponed.....	974, 975

109—To repeal section 1363 of the code, relating to statistics and enacting a substitute therefor.

Received	616
Referred	627, 628
Reported	975
Passed	991, 992
Enrolled	1084
Signed	1084

111—To provide for a change of place of trial on certain written contracts and to provide for taxing the costs therein.

Received	1055
Referred	1062
Reported with amendments.....	1514
Amendments adopted.....	1606, 1607
Passed	1607, 1608
House concurs	1655
Passed on file.....	1669
Enrolled	1712
Signed	1733

117—Requiring all persons selling their personal property, with the intention of leaving the county or state, to secure all taxes due or to become due, on the property about to be sold.

Received	1432
Referred	1440
Reported unfavorably.....	1515
Indefinitely postponed	1515

H. F.	Page.
119—Amending the law as it appears in section 746 of the supplement to the code, 1907, relating to contracts and expenditures from the water-works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water-works.	
Received	393
Considered and passed	393, 394
Enrolled	435
Signed	458
121—To amend section 1570 of the Supplement to the code, 1907, providing for the time when osage orange, willow and other hedge fences shall be trimmed.	
Received	576
Referred	581
Substitute reported	975
Referred	1004
Reported with amendment	1180
Substitute withdrawn	1350
Amended	1350
Passed	1350, 1351
House concurs	1433
Passed on file	1441
Enrolled	1497
Signed	1508
122—To amend section eight hundred fifty-j (850-j) of the supplement to the code, 1907, relating to park districts.	
Received	294
Referred	298
Reported	548
Passed	560, 561
Enrolled	707
Signed	732
126—Providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof.	
Received	1239
Referred	1246
Reported	1279
Passed	1427, 1428
Enrolled	1525
Signed	1562
130—Relating to the distribution of laws becoming effective by publication.	
Received	316
Referred	318
Reported with amendments	369
Amendments adopted	395
Amended and passed	396
House refuses to concur	450
Passed on file	455
Senate recedes from 2 amendments	555
Senate insists on 1 amendment and asks for conference committee	556
Conference committee appointed	581, 659
Passed on file	663

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House concurs in Senate amendment and adopts report of conference committee	869
Passed on file	873
Senate adopts report of conference committee	1312, 1313
Enrolled	1425
Signed	
132—To amend the law as it appears in sections 4019, 4020 and 4021 of the code, relating to the preference of debts owing for labor and filing, allowing and contesting of claims thereof.	
Received	698
Referred	709, 810
*Reported	881
Passed	1008, 1009
Enrolled	1084
Signed	1084
*Erroneously printed S. F. No. 132.	
134—To amend section 1561 of the code of Iowa, 1897, relating to the erection of guide boards.	
Received	489
Referred	501
Reported	620
Amended	689, 690
Passed	690
Enrolled	832
Signed	834
138—To provide for feeble-minded men at Glenwood and the maintenance thereof, amendatory to chapter 7, title 13, of the code, relating to the institution for Feeble-Minded Children.	
Received	676
Referred	684
Reported	1037
Passed	1132
Enrolled	1220
Signed	1223
140—To amend sections 1571-b, 1571-e, and 1571-f of the supplement to the code, 1907, in reference to motor vehicles.	
Received	393
Referred	393
House requests return	491
Passed on file	502
Reported for return to House	505
Request for return granted	505
141—Authorizing the secretary of state to publish lists of motor vehicle registrations and fixing prices at which such lists shall be sold.	
Received	414
Referred	422
Reported unfavorably	703
Indefinitely postponed	913

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145—To legalize the action of the board of supervisors of the Sioux county, Iowa, relating to the sale of school lands in section twelve (12), township ninety-five (95), north of range forty-eight (48), west of the fifth (5th) principal meridian, Sioux county, Iowa, and to authorize the governor to issue a patent therefor to John H. Hutchinson.	
Received	322
Referred	324
Reported	390
Passed	419, 420
Enrolled	508
Signed	510

149—To amend the law as it appears in section 2157-g of the supplement to the code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes, free transportation and discriminating reduced rates to certain persons.	
Received	615
Referred	627
Reported unfavorably	915
Indefinitely postponed	915
Motion to reconsider filed	917
Motion to reconsider lost	1107

150—To repeal section five hundred three (503) of the code, relating to bailiffs and enacting a substitute therefor.	
Received	328
Referred	329
Reported unfavorably	390
Indefinitely postponed	390

153—To establish a laboratory at the Iowa College of Agriculture and Mechanic Arts to manufacture hog cholera serum and tuberculin and make an appropriation therefor.	
Received	828
Referred	835
Reported and rereferred	1232, 1233
Reported	1494
Passed	1529, 1530
Enrolled	1646
Signed	1650

157—To legalize certain ordinances of the town of Oxford Junction, Jones county, Iowa.	
Received	328
Referred	329
Reported unfavorably	370
Indefinitely postponed	371

158—To amend section 3138 of the supplement to the code, 1907, relating to the lien and liability of hotel and inn keepers.	
Received	489

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Referred	501
Reported	526
Passed	638, 639
Enrolled	707
Signed	732

159—To repeal section 1820 of the code, relating to limitation of actions and enacting a substitute therefor.	
Received	589
Referred	592
Reported with amendments	904
Amendments adopted	1224, 1225
Passed	1225
House concurs	1240
Passed on file	1245
Enrolled	1261
Signed	1278

161—To amend sections twenty-seven hundred eight (2708), twenty-seven hundred nine (2709), as they appear in supplement to the code, 1907, relating to the age at which boys or girls may be committed to the Industrial Schools.	
Received	350
Referred	351
Reported	407
Passed	457, 458
Enrolled	509
Signed	510

162—To repeal section one thousand one hundred eighty-five (1185) of the code and to enact a substitute therefor; to repeal section one thousand one hundred eighty-eight (1188) of the code and to enact a substitute therefor; to repeal section one thousand one hundred ninety-six (1196) of the code, and to enact a substitute therefor, relating to officers' bonds.	
Received	281
Referred	289
Reported with amendment	370
Amendment adopted	394, 395
Consideration postponed	395, 1106, 1107
*Rereferred	1154
Reported unfavorably	1234
Indefinitely postponed	1234
Reconsidered and rereferred	1249
Reported	1324
Made a special order	1414
Passed	1490, 1491
House concurs	1527
Passed on file	1535
Enrolled	1555
Signed	1575
*Erroneously printed S. F. No. 162.	

166—To amend section 1400-f of the supplement to the code, 1907, providing for additional forest trees.	
Received	793
Referred	811
Returned by committee	1618

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167—To amend section twenty-one hundred sixty-four (2164) of the code, relating to the presentation of claims to telegraph and telephone companies.	
Received	828
Referred	834
170—To amend the law as it appears in section 716-a of the supplement to the code, fixing the levy for the fire fund in cities of the second class.	
Received	316
Referred	318
Reported	331
Amended and passed.....	375, 376
House concurs	413
Passed on file.....	422
Enrolled	435
Signed	458
171—Providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided by chapter 223, laws of the thirty-second general assembly, fixing number of volumes, and making an additional appropriation therefor.	
Received	488
Referred	500
Reported with amendments.	527
Amendments adopted.....	561, 562
Passed	562
House concurs	590
Passed on file.....	591
Enrolled	707
Signed	732
172—To amend section 1074 and section 1075 of the supplement to the code, 1907, relating to the election of township trustees and township clerks.	
Received	1307
Referred	1320
Returned by committee.....	1617
173—To amend section 1789 of the code, relating to the assignment of life insurance policies.	
Received	589
Referred	592
Reported unfavorably.....	989
Indefinitely postponed.....	989
174—To provide for the payment of bounties for the killing of ground hogs.	
Received	812
Referred	822
Reported	1001
Passed	1053
Enrolled	1131
Signed	1147
Petition relative to.....	876

175—To amend section 1303 of the supplement to the code, 1907, relating to levying taxes by board of supervisors.

H. F.	Page.
Received	970
Referred	980
Reported with amendment.....	1309
Amendment adopted.....	1390
Passed	1390, 1391
Title amended	1391
House concurs	1434
Passed on file.....	1441
Enrolled	1498
Signed	1508
178—Defining certain public service corporations and providing for reasonable service and rates; declaring unlawful any discriminatory charges; prescribing penalties and action for reduction of rates and charges; repealing all laws in conflict herewith.	
Received	1665
Referred to sifting committee	1668
Presented by sifting committee	1723
Amended	1723
Lost on passage.....	1724
177—To repeal sections 4975-d, 4975-g and 4975-h of the supplement to the code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor.	
Received	488
Referred	500
Reported	526
Amended	639, 640
Passed	640
*House concurs	665
Passed on file.....	673
Enrolled	707
Signed	732
*Erroneously printed H. F. No. 171 and "House has passed" instead of "House concurs in Senate amendments."	
179—To repeal section three hundred fifty-four (354) of the supplement to the code, 1907, relating to the fees of jurors, and enacting a substitute therefor.	
Received	328
Referred	329
Reported	354
Amended	381
Passed	382
House concurs	413
Passed on file.....	422
Enrolled	435
Signed	458
182—Authorizing the extension of the traveling library and other active activities of the Iowa Library Commission and providing additional funds therefor.	
Received	970
Referred	980
Substitute reported.....	1141
Substitute adopted.....	1329
Passed	1330
House concurs	1505
Passed on file.....	1509
Enrolled	1555
Signed	1575

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184—To amend the negotiable instruments law relative to the payment of instruments payable at a bank.	
Received	1472
Referred	1474
Returned by committee.....	1617
185—To amend section 2588 of the code, and section 2593 of the supplement to the code, 1907, relating to the sale of denatured alcohol and poison fly paper.	
Received	1015
Referred	1035
Reported	1309
Passed	1389, 1390
Enrolled	1465
Signed	1508
189—To add to the provisions of title nine (9), chapter three (3), supplement to the code of 1897, additional to section sixteen hundred sixty-one-a (1661-a).	
Received	793
Referred	811
Reported	1209
Passed	1274, 1275
Enrolled	1424
Signed	1443
190—Entitled an act relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operation and maintenance so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for the same and fixing fines and penalties for violation of such rules and regulations.	
Received	520
Referred	522
Reported	617
Made a special order.....	715
Amended	734, 735
Consideration postponed....	736
Amended	742, 743
Consideration postponed....	743
Considered	757, 758
Amended	758, 759
Considered	760, 761
Amended	761, 762, 763
Consideration postponed....	763
Made a special order.....	764
Considered	846, 847
Passed	847, 848
House concurs	1061
Passed on file.....	1064
Enrolled	1131
Signed	1147
191—To amend the law as it appears in section 2477-d, supplement to the code, 1907, relating to authority of officers to demand proof of age of children employed and defining what said proof shall be.	
Received	697
Referred	709
Reported	881
Passed	979

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Enrolled	1067
Signed	1147
194—Making an appropriation for the repair of the elevators and installing of a fire pump in the state capitol.	
Received	1319
Referred	1321
Reported unfavorably	1372
Indefinitely postponed.....	1372
198—To amend sections two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the supplement to the code, relating to the state veterinary surgeon.	
Received	1016
Referred	1036
Reported with amendment.....	1372
Amendment adopted.....	1460
Passed	1460, 1461
House concurs	1506
Passed on file.....	1509
Enrolled	1555
Signed	1575
199—Relating to the trial of attachment cases where an equitable interest in real estate is attached additional to section 3899 of the code.	
Received	1104
Referred	1119
Reported unfavorably.....	1125
Indefinitely postponed.....	1125
200—Making the provisions of section 3847, code supplement of 1907, section 3448, section 3849, code supplement, section 3850-51-52, applicable to actions in justice's courts and providing for the deposit of money in lieu of bond.	
Received	1138
Referred	1150
Reported	1235
Passed	1280, 1281
Enrolled	1425
Signed	1443
201—To repeal section 1091 of the code, relative to polling places for county precincts and to enact a substitute therefor.	
Received	1072
Referred	1083
Reported	1191
Passed	1377, 1378
Enrolled	1465
Signed	1508
207—To encourage the dairy industry of the state of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.	
Received	1305
Referred	1306
Reported unfavorably	1348
Report not adopted.....	1569
Passed	1570
Enrolled	1646
Signed	1650

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208—To repeal sections twenty-five hundred sixty-five (2565), twenty-five hundred sixty-eight (2568), of the code, and sections twenty-five hundred seventy-a (2570-a), twenty-five hundred seventy-a-1 (2570-a-1), twenty-five hundred seventy-b (2570-b), twenty-five hundred seventy-one (2571) and twenty-five hundred seventy-two (2572) of the supplement to the code, 1907, relating to the jurisdiction, powers, rules, regulations and expenses of the State Board of Health and of local boards of health, and to enact substitutes therefor.	
Received	371
Referred	374
Substitute reported	617
Rereferred	708
Substitute reported	770
Substitute adopted	862
Amended	862, 863, 864
Consideration postponed ..	864
Amended	869, 870
Passed	870, 871
House refuses to concur ..	976
Passed on file	980
Senate insists	1009
Conference committee appointed	1023, 1105
House adopts report of conference committee and concurs in Senate substitute as amended by the conference committee ..	1293
Passed on file	1296
Report of conference committee	1315
Amendments reported, adopted	1316
Enrolled	1425
Signed	1443
213—Prohibiting certain classes of advertising and providing a penalty for the violation thereof.	
Received	1261
Referred	1263
Reported and rereferred ..	1324
Reported unfavorably	1519
Indefinitely postponed	1519
214—To repeal section 2111, 2151, of the code, relating to the election, limitations, powers and duties of the Board of Railroad Commissioners, and to enact substitutes therefor, and for the repeal of section 1068 of the supplement to the code, 1907.	
Received	1250
Referred	1252
Returned by committee	1618
218—To amend section 732, supplement to the code, 1907, relative to the levying of taxes for public libraries.	
Received	489

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Referred	501
Passed	785, 786
Enrolled	832
Signed	834
219—To repeal the law as it appears in section 565 of the Code, and to enact a substitute therefor with regard to the election of township assessors in certain townships.	
Received	489
Referred	501
Reported with amendment ..	923
Amendment adopted	1483
Passed	1483, 1484
House concurs	1527
Passed on file	1535
Enrolled	1555
Signed	1576
221—To amend section four thousand two hundred fifty-three (4253) of the code, relating to leasing real estate partitions for sale.	
Received	665
Referred	673
Reported	903
Passed	1078, 1079
Enrolled	1159
Signed	1193
223—To amend section 1, chapter 122, of the laws of the Twenty-ninth General Assembly, relating to the support of the Iowa school for the deaf at Council Bluffs.	
Received	589
Referred	592
Reported with amendments ..	994
Amendments adopted	1043, 1044
Passed	1044
House concurs	1139
Passed on file	1151
Enrolled	1160
Signed	1193
227—To amend section 741-g, 741-m, 741-q and 746 of the supplement to the code, 1907, relating to the submission of questions to voters.	
*Received	576
Referred	580
Reported	651
Amended	845
Passed	846
House concurs	912
Passed on file	916
Enrolled	936, 937
Signed	947
*Erroneously printed House File No. 277.	
228—Making appropriations to the State Historical Society of Iowa.	
Received	1196
Referred	1198
*Reported unfavorably	1633
Indefinitely postponed	1634

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229—Relating to fish and game, making appropriation for the fish and game commission of the state of Iowa.	
Received	793
Referred	811
Withdrawn and rereferred.	1143
Reported	1373
Passed	1457
Enrolled	1525
Signed	1562
230—To amend section 2247 of the code in relation to the levy of a poor tax.	
Received	1157
Referred	1174
Reported	1289
Passed	1430, 1431
Enrolled	1525
Signed	1562
231—Making appropriation for improvements and land at the Iowa State Fair and Exposition grounds.	
Received	964
Referred	965
Reported	1013
Passed	1081
Motion to reconsider filed.	1086
Made a special order.	1088, 1100
Motion to reconsider laid on table	1127, 1128
Enrolled	1221
Signed	1223
233—To legalize the incorporation of the town of Hinton, Iowa, and the passage and adoption of its ordinances, resolutions and rules of health.	
Received	1357
Referred	1365
Reported	1407
Passed	1416, 1417
*Enrolled	1524
Signed	1562
*Erroneously printed Senate File No. 233.	
234—To legalize the incorporation of the town of Merrill, Iowa, and the passage and adoption of its ordinances, resolutions and rules of health.	
Received	1357
Referred	1365
*Reported	1407
Passed	1417
Enrolled	1524
Signed	1562
*Erroneously printed House File No. 244.	
236—To amend sections two thousand five hundred sixty-three-a (2563-a), two thousand five hundred sixty-three-c (2563-c), two thousand five hundred sixty-three-d (2563-d) and two thousand five hundred sixty-three-g (2563-g) of the supplement to the code, 1907, relating to non-resident hunters' license.	
Received	665
Referred	673

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Reported unfavorably	1713
Indefinitely postponed	1713
239—To amend section twenty-four hundred seventy-seven (2477) of the supplement to the code, 1907, relating to compensation and expenses of the department of the Bureau of Labor Statistics.	
Received	659
Referred	663
Amended	1112, 1113
Passed	1113, 1114
House concurs	1157
Passed on file	1175
Enrolled	1220
Signed	1223
243—To legalize ordinance numbers 38 and 39, establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek county, Iowa.	
Received	697
Referred	708
Reported	729
Passed	814
Enrolled	885
Signed	894
248—To amend section 5652 of the code of Iowa, relating to hard labor by persons confined in jails.	
Received	698
Referred	709
Reported with amendment ..	728
Amendment adopted	859
Passed	859, 860
Title amended	860
House concurs	913
Passed on file	916
Enrolled	937
Signed	947
250—To repeal title eleven of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor, to be known as "The Military Code of Iowa."	
Received	812
Referred	822
*Reported and rereferred ..	955
Reported with amendments ..	1142
Amendments adopted	1276, 1277
Amended	1277
Passed	1277, 1278
House concurs	1293
Passed on file	1296
Enrolled	1424
Signed	1443
*Erroneously printed House File No. 259.	
251—To amend section 4936 of the supplement to the code, 1907, of Iowa, relative to marriage of cousins.	
Received	614
Referred	627
Reported	705
Amended	804, 805
Passed	805
House concurs	886, 887
Passed on file	895

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Signed	894
Enrolled	886

252—To amend the law as it appears in section 1137-a-7 of the supplement to the code, 1907, relating to elections and voting machines.

Received	1072
Placed on calendar.....	1082, 1083
Passed	1105, 1106
Enrolled	1160
*Signed	1193
*Erroneously printed House File No. 352.	

256—To amend section 720, 721 and 776 of the supplement to the code, 1907, relating to the purchase of water or gas works, heat plants, the granting of franchises and the submission of the question to the voters.

Received	576
Referred	581
Reported	769
Passed	833, 834
Enrolled	886
Signed	894

261—To legalize the special election held in the city of New Hampton, Iowa, on the 5th day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of \$18,000 for the purpose of erecting a combined water-works, electric light and power plant and water tower and tank and to validate and legalize the bonds issued in pursuance of said election.

Received	698
Referred	709
Reported	728
Passed	784, 785
Enrolled	832
Signed	834

263—To repeal section 1699 of the code, relating to the investment of their funds by insurance companies other than life, organized under chapter 4 of title IX of the code, and to enact a substitute therefor.

Received	1138
Referred	1150
Withdrawn from committee and Senate File No. 207 offered as substitute....	1404
Substitute adopted and passed	1484, 1485
House concurs	1588, 1589
Passed on file	1595
Enrolled	1690
Signed	1736

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265—To amend section fifteen hundred and thirty (1530) of the supplement to the code, 1907, by providing for the delivery to the city treasurer of so much of the county road fund tax as it is collected from property within the incorporated limits of any city.

Received	1060
Referred	1063
Recalled from committee...	1089
Considered and amended	1090, 1091
Passed	1091
Title amended	1091
Return from House requested	1159
House refuses to concur	1160, 1161
Senate insists	1183
Conference committee appointed	1193, 1229
Conference committee report a substitute.....	1400
Reported and adopted	1419
Substitute adopted	1419
Passed	1419, 1420
House adopts report and substitute	1434
Passed on file	1441, 1442
Enrolled	1524
Signed	1562

266—Defining the management and activities of the historical department of Iowa and making an appropriation for the permanent support thereof.

Received	1356
Referred	1364
Reported	1743
Amended	1744
Laid on table.....	1744

267—To amend section 2881-e of the supplement to the code, 1907, relating to the appropriation for the State Library and Historical Department, reducing the appropriation and confining the same to the State Library.

Received	1343
Referred	1353
Reported	1743
Laid on table.....	1744, 1745

273—To authorize the commandant of the Soldiers' Home to sell effects of deceased soldiers.

Received	1195
Referred	1197
Reported	1370
Passed	1456, 1457
Enrolled	1525
Signed	1562

274—To amend the law as it appears in section 4771 of the code, relating to punishment for the crime of assault with intent to inflict great bodily injury.

H. F.	Page.
Received	698
Referred	709
Reported	856
Passed	971, 972
Enrolled	1067
Signed	1147

276—To amend the law as it appears in section 3106 of the code, relating to limited partnerships.

Received	1260
Referred	1264
Reported and rereferred	1341
Reported unfavorably	1369
Indefinitely postponed	1369

278—To authorize the issuance of a search warrant and the seizure of cigarettes and cigarette papers.

Received	793
Referred	811
Reported with amendments	903, 904
Amendments adopted	1032
Made a special order	1033
Amended and passed	1042, 1043
House concurs	1138, 1139
Passed on file	1150
Enrolled	1160
Signed	1193

285—Making an appropriation of two hundred dollars (\$200) to reimburse Company A, Fifty-sixth (56th) Infantry, Iowa National Guard, for money paid by it to Robert Mann, as damages resulting from the accidental killing by said company of a horse belonging to said Robert Mann.

Received	1197
Referred	1199
Reported unfavorably	1372
Indefinitely postponed	1372

290—Amendatory of and additional to chapter fifteen (15), title twelve (XII) of the code and supplement to the code, relative to the care and propagation of fish.

Received	1195
Referred	1197
*Reported	1306
Passed	1393, 1394
Enrolled	1465
Signed	1508
*Erroneously printed House File No. 396.	

291—To amend section 4979 of the code, relating to offenses against the public health.

Received	1030
Referred	1034
Reported	1232
Passed	1381
Enrolled	1465
Signed	1508

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292—To repeal section two thousand nine hundred forty-two-j (2942-j) of the supplement to the code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states, and to enact a substitute therefor.

Received	1291
Referred	1294, 1295
Reported unfavorably	1341
Indefinitely postponed	1341
Senate requests return from House	1352
Returned by House	1433
Reconsidered	1441
Rereferred	1441
Reported	1514
Passed	1610
Enrolled	1690
Signed	1736

296—To repeal sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f) and twenty-five hundred sixty-three-g (2563-g), twenty-five hundred sixty-three-h (2563-h), of the supplement to the code, 1907, and to enact in lieu thereof the following, relating to protection of game.

Received	1195
Referred	1197
*Reported	1306
Passed	1380
Enrolled	1465
Signed	1508
*Erroneously printed House File No. 396.	

300—To amend section 1509 of the code, and section 1532-a, supplement to the code, 1907, relative to the powers and duties of the trustees, Board of Regents and Board of Control, in regard to roads and highways in and around lands owned by the state.

Received	886
Referred	895
Substitute reported	1007
Substitute adopted	1213
Amended	1213
Passed	1213, 1214
House concurs	1240
Passed on file	1245
Enrolled	1261
Signed	1278

301—To amend section four hundred and fifty-eight-c (458-c) of the supple-

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ment to the code, 1907, relative to injuries of domestic animals by dogs and wolves.	
Received	845
Referred	865
Reported	1279
Passed	1388
Enrolled	1497
Signed	1508
305—To amend the law as it appears in section two hundred ninety-eight (298) of the supplement to the code, 1907, relating to compensation of clerks of the district court and their deputies.	
Received	1508
Referred	1510
Returned by committee...	1617
Presented by Sifting Committee	1679
Passed	1679, 1680
Enrolled	1732
Signed	1736
313—To legalize certain ordinances of the town of Callender, Webster county, Iowa.	
Received	827, 828
Referred	834
Reported	903
Passed	1118, 1119
Enrolled	1160
Signed	1193
314—To amend sections eight hundred forty-nine-a (849-a), eight hundred forty-nine-b (849-b), eight hundred forty-nine-c (849-c), eight hundred forty-nine-e (849-e), eight hundred forty-nine-f (849-f), eight hundred forty-nine-g (849-g), and eight hundred forty-nine-h (849-h), of the supplement to the code, 1907, relating to the protection of city and town property from floods.	
Received	1196
Referred	1198
Reported	1237
Passed	1413, 1414
Enrolled	1524
Signed	1562
317—To legalize certain acts of the city council of the city of Cedar Rapids, Linn county, Iowa, and of the auditor, treasurer and board of supervisors of said Linn county, Iowa, relating to a levy for park tax.	
Received	842
Referred	865
Reported	903
Amended	1025
Passed	1025, 1026
House concurs	1061
Passed on file	1064
Enrolled	1132
Signed	1147

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320—To amend the law as it appears in section four thousand nine hundred and ninety-nine-a twenty-five (4999-a-25) of the supplement to the code, nineteen hundred and seven (1907) relating to penalty for violation of the pure food laws.	
Received	1016
Referred	1036
Reported	1232
Consideration postponed ..	1405
Amended	1448
Consideration postponed ..	1449
Substitute offered	1466
Substitute adopted	1466
Passed	1466, 1467
Title amended	1467
321—To amend the law as it appears in section four thousand nine hundred ninety-nine-a-thirty-one (4999-a-31) of the supplement to the code, 1907, relating to food standards.	
Received	1029
Referred	1034
Reported	1112
Passed	1349, 1350
Enrolled	1497
Signed	1508
322—Appropriating the sum of one hundred thirty-nine dollars and sixty-five cents (\$139.65) to be paid to S. J. McCord in settlement of a claim against the state of Iowa arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.	
Received	1472
Referred	1474
Indefinitely postponed	1630
328—To provide for the supplying of electric light and power to military reservations of the United States in this state.	
Received	1307
Referred	1320
Returned by committee	1617
329—To amend section 469 of the supplement to the code, 1907, relative to the compensation of county supervisors.	
Received	1308
Referred	1320
Returned by committee	1617
330—To repeal section 915 of the supplement to the code, 1907, and to enact a substitute therefor relating to acknowledgements and recording of plats.	
Received	1020
Referred	1033
Reported unfavorably	1126
Indefinitely postponed	1126

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333—Making appropriations to defray expenses of Lincoln program.	
Received	869
Referred	873
Reported	1011
Passed	1143, 1144
Enrolled	1220
Signed	1223

337—Amending the law as it appears in section twenty-four hundred eighty-nine-a (2489-a), supplement to the code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers.	
Received	842
Referred	865
Reported	881
Passed	978, 979
Enrolled	1067
Signed	1147

341—To amend section ten hundred and seventy-six (1076) of the supplement to the code, 1907, defining what shall constitute a calendar day.	
Received	1055
Referred	1063
Reported and rereferred	1124, 1125
Reported unfavorably	1191
Indefinitely postponed	1191

344—To provide for the maintenance of certain cemeteries and to provide a tax for such purpose.	
Received	841
Referred	865
Reported unfavorably	1125
Indefinitely postponed	1562

346—To amend the law as it appears in sections one thousand eighty-seven-a1 (1087-a1), one thousand eighty-seven-a5 (1087-a5), one thousand eighty-seven-a6 (1087-a6), one thousand eighty-seven-a10 (1087-a10), one thousand eighty-seven-a12 (1087-a12), one thousand eighty-seven-a22 (1087-a22), one thousand eighty-seven-a24 (1087-a24), one thousand eighty-seven-a21 (1087-a21), one thousand eighty-seven-a22 (1087-a22), one thousand eighty-seven-a24 (1087-a24), one thousand eighty-seven-a25 (1087-a25), one thousand eighty-seven-a26 (1087-a26), and one thousand eighty-seven-a27 (1087-a27), of the supplement to the code, 1907, and to repeal the law as it appears in sections one thousand eighty-seven-a13 (1087-a13), one thousand eighty-seven-a15 (1087-a15) and one thousand eighty-sev-	
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en-a18 of the supplement to the code, 1907, and to enact substitutes therefor, relating to the holding of primary elections by political parties.	
Received	776
Referred	791
Returned to Senate	1689

347—To amend section 2341-a, supplement to the code, 1907, relative to the requirements as to soundness of stallions kept for public service.	
Received	1318
Referred	1321
Reported unfavorably	1411
Indefinitely postponed	1411

349—To create the Iowa State Drainage, Waterways and Conservation Commission and defining the powers and duties of the same.	
Received	1307
Referred	1320
Reported	1373
Passed	1435
Enrolled	1525
Signed	1562

355—To repeal the law as it appears in chapter forty-one (41) of the laws of the Thirty-second General Assembly, and to enact a substitute therefor, relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to issue bonds therefor.	
Received	828
Referred	834
Reported with amendments	925
Amendments adopted	1070
Passed	1070, 1071
Title amended	1071
House concurs	1139
Passed on file	1150
Enrolled	1160
Signed	1193

357—To amend the law as it appears in section three thousand one hundred and forty-one (3141) of the code, 1897, relating to granting of marriage license by the clerk of the district court.	
Received	1030
Referred	1034
Substitute reported	1051
Substitute adopted	1209
Passed	1209, 1210
House concurs	1240
Passed on file	1245
Enrolled	1261
Signed	1278

359—To amend section twenty-five hundred eighty-two (2582) of the supplement to the code, relative to the practice of medicine and	
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providing for the issuance of temporary permits.		378—Giving to cities and towns including cities acting under special charters, power to provide by ordinance for the trimming of trees along the public streets and sidewalks and to assess the cost thereof to the owners of the abutting property.	
Received	1472	Received	1356
Referred	1474	Referred	1364
*Reported	1538	Reported	1470
Passed	1675, 1676	Returned to the Senate....	1689
Enrolled	1712		
Signed	1733		
Erroneously printed House File No. 351.			
360—To amend paragraph two (2) section thirteen hundred and four (1304) of the supplement to the code, 1907, relating to exemption from taxation of charitable and benevolent institutions.		379—Requiring incorporated cities and towns to publish the acts or proceedings of the board of aldermen and city and town councils.	
Received	1540	Received	1564
Referred	1547	Referred	1579
Reported unfavorably	1614	Returned by committee....	1617
Indefinitely postponed	1614	Presented by Sifting Committee	1715
		Passed	1715, 1716
365—To legalize the deeds of Osceola county, Iowa, to Edgar Baker, for government lots two, three and four, in section ten, in township one hundred, north of range thirty-nine, west of the 5th principal meridian.		Enrolled	1763
Received	1030	Signed	1769
Referred	1034		
Reported	1050	380—To establish a Department of Horticulture and Forestry.	
Passed	1186	Received	1029
Enrolled	1261	Substitute for S. F. No. 308 on calendar	1034
Passed	1278	Referred	1081
		Reported unfavorably	1634
367—To provide for recognition by the State Board of Medical Examiners of standard attainments in colleges other than medical colleges.		Indefinitely postponed	1634
Received	1432		
Referred	1440		
Recalled and referred.....	1461	381—To legalize the incorporation of the town of Packwood, Jefferson county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.	
Reported unfavorably	1614	Received	1030
Indefinitely postponed	1614	Referred	1033
		Reported	1050
373—To amend section 337 of the supplement to the code, 1907, relating to the selection of jury lists.		Amended	1101, 1102
Received	1259	Passed	1102
Referred	1263, 1264	House concurs	1157, 1158
Reported	1324	Passed on file.....	1175
Passed	1438, 1439	Enrolled	1221
Enrolled	1525	Signed	1223
Signed	1562		
		382—To amend section thirteen hundred and three (1303) of the supplement to the code, 1907.	
377—To amend the law as it appears in section twenty-five hundred five (2505) of the supplement to the code, 1907, relating to the inspection of petroleum products.		Received	828
Received	1449	Referred	834, 835
Referred	1453	Reported	1048
Reported	1518	Passed	1281, 1282
Passed	1678, 1679	Enrolled	1425
Enrolled	1712	Signed	1443
Signed	1733		
		383—To prohibit any person, company, partnership, association or corporation, engaged in the business of lumber dealing or owning or operating yards, from combining or entering into an agreement, contract, or trust, or pool, to fix the prices at which lumber is to be sold, or to prevent the free action of	

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competition in the buying of lumber, and to provide punishment for the violation of this act.	
Received	1357
Referred	1365, 1399
Reported	1518
Substitute offered	1566
Consideration postponed.....	1567-1569
Considered	1661
Substitute adopted	1662
Passed	1662, 1663
Explanations of votes.....	1663
House concurs	1710
Passed on file.....	1733
Enrolled	1762
Signed	1769
391—Providing for the planting of forest trees upon lands owned by county or state.	
Received	1357
Referred	1365
Reported unfavorably	1407
Indefinitely postponed	1407
393—To amend section four hundred and four (404) of the code, relating to the sale or exchange of bonds issued under the provisions of section four hundred three (403) of the code, supplement to the code.	
Received	1029
Referred	1035
Reported with amendment	1050
Amendment adopted	1392
Passed	1392, 1393
House concurs	1434
Enrolled	1525
Signed	1562
395—To appropriate money for the use of the Iowa Highway Commission.	
Received	1291
Referred	1294
Reported unfavorably	1633
Indefinitely postponed	1633
399—Providing for the trial of persons charged with the commission of the crime of murder, who are confined in a prison or reformatory.	
Received	822
Referred	823
Reported with amendment.	855
Amendment adopted	867, 868
Passed	868, 869
Motion to reconsider filed.	869
Reconsidered	882, 883
Amendment withdrawn	883
Amended	883
Passed	883, 884
House concurs	912
Passed on file.....	916
Enrolled	892
Signed	894
400—To amend section one thousand seven hundred eighty-eight (1788) of the supplement to the code, 1907, relating to the matter of the assessment of	

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life insurance associations, and providing for the deposit by members, of cash or notes for future assessments.	
Received	1473
Referred	1475
Returned by committee.....	1618
405—To amend section twenty-five hundred and seventy-five-a-thirty (2527-a-30) and twenty-five hundred and seventy-five-a-thirty-one (2575-a-31) of the supplement to the code, and to repeal section twenty-five hundred and seventy-five-a- twenty-nine (2575-a-29) of the supplement to the code, relative to the qualifications of nurses, and enacting a substitute therefor.	
Received	1508
Referred	1510, 1511
Reported	1544
Passed	1710, 1711
Enrolled	1763
Signed	1769
406—To amend section twenty-eight hundred twenty-three-a (2823-a) supplement to the code, 1907, relating to the duties of parents or guardians.	
Received	1412
Referred	1421
Reported	1517
Passed	1596, 1597
Enrolled	1690
Signed	1736
407—To amend section 2540 of the supplement to the code, 1907, relating to the catching and transportation of fish.	
Received	1239
Referred	1245, 1246
Reported unfavorably	1713
Indefinitely postponed	1713
408—To prevent diseases among bees and to provide for inspection thereof.	
Received	1385
Referred	1399
Reported	1545
Passed	1675
Enrolled	1712
*Signed	1733
*Erroneously printed House File No. 940.	
414—Relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in section 3260-j of the supplement to the code, 1907.	

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Received	1259
Referred	1264
Reported	1395
Passed	1455, 1456
Enrolled	1526
Signed	1562

415—To amend the law as it appears in section thirteen hundred and six-b (1306-b) of the supplement to the code, 1907, so as to authorize cities and towns to incur an indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating water-works, electric light and power plants, gas works and heating plants, or building and constructing sewers.	
Received	763
Referred	764, 765
Reported	768
Passed	893, 894
Enrolled	937
Signed	947

417—To repeal section 1989-a-42 to the supplement of the code, 1907, relative to the duties and to the employment of additional help for county auditors in levee or drainage districts and to the drainage record and the enactment of a substitute therefor.	
Received	1239
Referred	1246
Reported	1341
Passed	1375, 1376
Enrolled	1497
Signed	1508

418—To amend section twenty-six hundred twenty-six (2626) of the code, and section twenty-seven hundred thirty-four-q (2734-q) of the supplement to the code, 1907, relating to the support of county teachers' institutes.	
Received	1291
Referred	1294
Reported and rereferred	1371

424—To amend section twenty-eight hundred twenty-three-a (2823-a) of the supplement to the code, 1907, relating to education.	
Received	1291
Referred	1294
Reported	1371
Passed	1458
Enrolled	1526
Signed	1562

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427—To amend the law as it appears in section three hundred fifty-eight (358) of the code relating to qualification of sureties on certain official bonds.	
Received	1016
Referred	1036
Reported with amendment	1235
Amendment adopted	1485
Passed	1485, 1486
House concurs	1528
Passed on file	1535, 1536
Enrolled	1555
Signed	1575

428—To amend the law as it appears in section 412, supplement to the code, 1907, relating to the meeting of the board of supervisors.	
Received	1239
Referred	1246
Reported	1325
Passed	1431, 1432
Enrolled	1526
Signed	1562

433—To amend section two thousand twenty-eight (2028) as it appears in the supplement to the code, 1907, relating to lands which have no other means of access.	
Received	1055
Referred	1062, 1063
Reported	1278
Passed	1394, 1395
Enrolled	1497
Signed	1508

434—Giving cities and towns the power to prohibit or regulate the erection and maintaining of livery stables and garages.	
Received	1319
Referred	1321
Returned by committee	1617

436—Relating to the renewal of teachers' certificates.	
Received	1403
Referred	1404
Passed	1452
Enrolled	1526
Signed	1562

439—To amend section eleven hundred forty-three (1143) of the code relating to destruction of ballots.	
Received	1356
Referred	1364
Returned by committee	1617
Presented by Sifting Committee	1631
Passed	1631, 1632
Enrolled	1712
Signed	1733

440—Providing that superior courts shall have jurisdiction of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics, under chapter 2-a of the supplement to the code, 1907.	
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Received	1412
Referred	1421
Reported	1517
Passed	1654, 1655
Enrolled	1712
Signed	1733
445—To legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library bond fund to the judgment fund.	
Received	1030
Referred	1034
Reported	1049
Passed	1214, 1215
Enrolled	1261
Signed	1278
448—To amend section one thousand three hundred four (1304) of the supplement to the code, 1907, in relation to classes of property exempt from the assessment of taxes.	
Received	1412
Referred	1421
Reported	1475
Passed	1676, 1677
Enrolled	1732
Signed	1736
449—To amend section 4775-c and 4775-d of the supplement to the code, 1907, relating to wife desertion and to the bond given in case of the person who deserts his wife.	
Received	1582
Referred	1592
Returned by committee	1617
450—Providing for the enumeration of deaf and blind persons additional to chapter 1, title 7, of the code.	
Received	1307
Referred	1320
Reported	1407
Passed	1461, 1462
Enrolled	1555
Signed	1575
451—To amend section four thousand two hundred ninety-nine (4299) of the code, relating to the declaration of forfeiture of contracts, and the service of notice relating thereto, and to amend section four thousand three hundred (4300) of the code, relating to the recording of notice of forfeiture of contracts.	
Received	1539
Referred	1546
452—To amend section four hundred thirty (430) of the code relative to dependent soldiers' and sailors' tax.	
Received	1029
Referred	1035

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Reported	1188
Passed	1246, 1247
Enrolled	1424
Signed	1443
455—To amend section 2823-e of the supplement to the code, 1907, relating to probation officers.	
Received	1319
Referred	1321
Reported	1407
Passed	1442, 1443
Title amended	1443
House concurs	1527
Passed on file	1535
Enrolled	1555
Signed	1575
467—To amend the law as it appears in section 111 of the code, relating to banks as depositors.	
Received	1138
Referred	1150
Reported unfavorably	1552
Indefinitely postponed	1553
469—To repeal section one thousand nine hundred eighty-nine-a-41 (1989-a-41) of the supplement to the code, 1907, relating to the fees and expenses in levee and drainage districts, and to enact a substitute in lieu thereof.	
Received	1403
Referred	1404
Reported unfavorably	1514
Indefinitely postponed	1514
471—To amend section twenty-six hundred and seventy-four-f (2674-f), title thirteen (13), chapter four (4) of the supplement to the code, 1907, relating to the duties of the highway commission.	
Received	1412
Referred	1421
Reported unfavorably	1475
Indefinitely postponed	1475
472—To amend the law as it now appears in chapter one (1), title nine (9) of the supplement to the code, relating to the issuance of capital stock of railway corporations.	
Received	1621
Referred to Sifting Committee	1624
473—To confer additional powers on certain cities organized under chapter forty-eight (48) of the acts of the Thirty-second General Assembly of Iowa, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under chapter two hundred ten (210) of the	

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acts of the Twenty-ninth General Assembly of Iowa and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

Received1060
 Referred1064
 Withdrawn from committee
 and placed on calendar..1078
 Consideration postponed...1128
 Passed1210, 1211
 Enrolled1261
 Signed1278

475—Giving the court power under any proceeding under sections five thousand sixty (5060) and five thousand sixty-one (5061) of the code, 1907, to compel the attendance of witnesses; the production of books and papers of corporations, partnerships, associations and individuals prosecuted under said sections; and providing for the exemption from liability of any agent, officer, employee, director or stockholder thereof for, or on account of any transaction to which said evidence or testimony may relate.

Received1655, 1656
 Referred to Sifting Committee1667, 1668

482—Legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury county, Iowa.

Received1357
 Referred1365
 Reported with amendment.1408
 Amendment adopted1415
 Passed1415, 1416

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House concurs1433
 Passed on file.....1441
 Enrolled1525
 Signed1562

483—To amend sections eighteen hundred forty-six (1846), eighteen hundred forty-seven (1847), eighteen hundred forty-nine (1849), eighteen hundred fifty-one (1851), eighteen hundred fifty-two (1852), eighteen hundred fifty-three (1853), eighteen hundred fifty-four (1854), eighteen hundred fifty-six (1856), eighteen hundred fifty-seven (1857), eighteen hundred sixty (1860), eighteen hundred sixty-seven (1867) of the code, and sections eighteen hundred forty-eight (1848), eighteen hundred fifty (1850), eighteen hundred fifty-a (1850-a), eighteen hundred sixty-nine (1869), eighteen hundred seventy-one (1871) of the supplement to the code, 1907; and to repeal sections eighteen hundred forty-five (1845), eighteen hundred sixty-six (1866), and eighteen hundred seventy-two (1872) of the code, and sections eighteen hundred fifty-five (1855) and eighteen hundred seventy-three (1873) of the supplement to the code, 1907, and enact substitutes therefor, relating to banks and banking.

Received1196
 Referred1198
 Reported unfavorably.....1370
 Indefinitely postponed.....1370

484—Relating to the operation and regulation of state and savings banks, authorizing the auditor of state to require a change of correspondents; to verify and reconcile the accounts and pass books of depositors, and to provide for annual meetings.

Received1355
 Referred1364
 Reported unfavorably.....1552
 Definitely postponed.....1552

485—To repeal section eighteen hundred seventy-five (1875) of the supplement to the code, 1907, and enact a substitute therefor, relating to banks and banking.

Received1356
 Referred1364
 Reported1553
 Amendments offered1699
 Consideration postponed..1699
 *Amended and passed 1731, 1732
 House concurs1754

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Passed on file.....	1756
Enrolled	1763
Signed	1769
*Erroneously printed House File No. 281.	
488—To repeal section two thousand seventy - seven - a (2077-a) of the supplement to the code, 1907, relative to the posting of bulletins in passenger stations, and to enact a substitute therefor.	
Received	1563
Referred	1578, 1579
Returned by committee.....	1618
Presented by Sifting Committee	1682
Passed	1683
Enrolled	1732
Signed	1736
490—To legalize the incorporation of the town of Knierim, Calhoun county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.	
Received	1356
Referred	1364
Reported	1408
Passed	1417, 1418
Enrolled	1525
Signed	1562
491—To amend the law as it appears in section twenty-five hundred ten-e (2510-e) of the supplement to the code, 1907, relating to the manufacture and sale of linseed and other oils, and the adulteration thereof.	
Received and referred.....	1473
Returned by committee....	1618
494—To amend section two thousand eight hundred twenty-three-p (2823-p) of the supplement to the code, 1907, relating to furnishing a list of books suitable for use in school district libraries.	
Received	1454
Referred	1469
Reported	1533
Passed	1680
Enrolled	1712
Signed	1733
495—To amend sections 1989-a-2, 1989-a-4, 1989-a-5, 1989-a-6, 1989-a-7, 1989-a-8, 1989-a-10, 1989-a-12, 1989-a-13, 1989-a-14, 1989-a-16, 1989-a-18, 1989-a-19, 1989-a-21, 1989-a-22, 1989-a-27, 1989-a-29, 1989-a-32, 1989-a-35, 1989-a-44 of the supplement to the code, 1907, and to repeal sections 1989-a-3, 1989-a-11 and 1989-a-19	

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of the supplement to the code, 1907, and enact substitutes therefor; all relating to the subject of waters, water courses, levees and drains.	
Received	1156
Referred	1174
Reported and rereferred....	1193
Reported with amendments	1409
Amendments amended and adopted	1443, 1447
Consideration deferred	1447
Passed	1449, 1450
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Passed on file	1508
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House adopts report and amendments proposed by conference committee ..	1588
Passed on file.....	1594, 1595
Senate adopts report and amendment	1597-1601
Enrolled	1691
Signed	1736
496—To amend the law as it appears in section four thousand nine hundred forty-six-b (4946-b) of the supplement to the code, 1907, relating to the distribution of dissecting material.	
Received	1449
Referred	1453
Reported unfavorably	1614
Indefinitely postponed	1614
499—To amend section twenty-one hundred and sixty-five-a (2165-a) of the supplement to the code, 1907, relative to the regulation of express companies.	
Received	1660
Referred	1667
501—Permitting lower land owners to join tile to the tile of upper land owners.	
Received	1588
Referred	1592
Returned by committee....	1617
507—To amend the law as it appears in section twenty-eight hundred twelve-e (2812-e) of the supplement to the code, 1907, relating to the duration of schools bonds.	
Received and referred.....	1473
*Returned by committee....	1617
Presented by Sifting Committee	1678
Passed	1678
Enrolled	1732
Signed	1736
*Erroneously printed House File No. 504.	

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508—To amend the law as it appears in section ten hundred fifty-six-a-thirty-six, chapter fourteen-c, title five of the supplement to the code, 1907, relating to the government of certain cities, and the recalling of elective officers therein.	
Received	1540
Referred	1546
Recalled	1561
Passed	1561, 1562
Enrolled	1646
Signed	1650
510—To amend the law as it appears in section one hundred fifty-four (154) of the code, relative to compensation of custodian.	
Received	1583
Referred	1593
Returned by committee....	1617
512—To provide for the appropriation of moneys to the farmers institutes of Cherokee and Palo Alto counties and to the Franklin county agricultural society.	
Received	1583
Referred	1593
Reported unfavorably	1693
Indefinitely postponed	1693
513—To amend section thirteen hundred twenty-six (1326), title seven (7), chapter one (1), of the code of Iowa, relating to stock of buildings and loan associations.	
Received	1403
Referred	1403
Reported	1514
Considered	1562
Consideration postponed	1563
Lost on passage	1606
516—To amend section thirty-one hundred forty-seven (3147) of the code, 1897, relating to return of marriage certificates.	
Received	1540
Referred	1547
Returned by committee....	1617
520—To amend section forty-seven hundred and sixty-seven (4767) of the code, relating to the punishment of persons convicted of making malicious threats with intent to extort money or to compel a person to do some act against his will.	
Received	1540
Referred	1547
Returned by committee....	1617
523—To amend chapter 9, title 25, of the code of Iowa, to regulate the issuance of warrants upon requisition from governors of other states and territories.	

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Received	1455
Referred	1469
Reported unfavorably	1518
Indefinitely postponed	1518
524—To appropriate money for the purpose of defraying the expenses incurred in the election contests from the 10th representative district of Iowa; the 26th representative district of Iowa; the 45th representative district of Iowa; the 59th representative district of Iowa, and the 67th representative district of Iowa and to pay sundry persons for services, mileage and other expenses incurred in connection with said election contests.	
Received	1412
Referred	1421, 1422
House requests return	1434
Request granted	1442
House returns bill without further action	1529
Passed on file.....	1536
Reported	1693
Passed	1694, 1695
Enrolled	1763
Signed	1769
527—To repeal section five hundred ninety-nine (599) and section six hundred (600) of the code, relating to the incorporation of towns, and enacting substitutes therefor, relating to the filing of petitions for said incorporated towns, the publication of notice thereof, the procedure before the courts and defining the powers and duties of the courts in relating thereto.	
Received	1539
Referred	1546
Returned by committee....	1617
530—Appropriating money to defray expenses of the Investigating Committee for the hospitals for insane.	
Received	1454
Referred	1469
Reported	1495
Passed	1521, 1522
Enrolled	1646
Signed	1650
531—Making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirty-third General Assembly to visit the several state educational institutions.	
Received	1455
Referred	1469
Reported	1495
Passed	1522, 1523
Enrolled	1646
Signed	1650

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534—To amend the law as it appears in sections twenty-five hundred and forty, (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred and fifty-one (2551), twenty-five hundred and fifty-two (2552), and twenty-five hundred fifty-six (2556) of the supplement to the code, 1907; and sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), twenty-five hundred fifty-five (2555), twenty-five hundred fifty-nine (2559) and twenty-five hundred sixty-two (2562) of the code, relating to the protection of fish, and regulating the shipment of game within the state; prohibiting the shipment of fish for sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

Received1583
 Referred1594
 *Reported1605
 Made special order.....1606
 Amended1639, 1640
 Passed1641
 House refuses to concur.....1656
 Senate refuses to recede....
1670, 1671
 House concurs1699
 Passed on file.....1701
 Enrolled1733
 Signed1736
 *Erroneously printed House File No. 554.

537—Repealing sections one hundred sixty-two (162) of the code and one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the supplement to the code, 1907, defining the character of vouchers upon which warrants shall be drawn by the auditor of state upon the state treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the Executive Council.

Received1540
 Referred1547
 Recalled from committee.....1564
 Considered1564
 Consideration postponed.....1564
 Amended1573, 1574
 Passed1574
 House concurs1619
 Passed on file.....1622
 Enrolled1691
 Signed1736

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539—To legalize the election in the incorporated town of Weldon, Decatur county, Iowa.
 Received1660
 Referred to Sifting Committee1667
 Presented by Sifting Committee1682
 Passed1682
 Enrolled1733
 Signed1736

543—To amend House File No. 261 of the acts of the Thirty-third General Assembly, relating to the issuance of bonds by the city of New Hampton, Iowa.
 Received1539
 Referred1546
 Recalled1560
 Passed1560, 1561
 Enrolled1647
 Signed1650

544—Legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.
 Received1539
 Referred1545, 1546
 Recalled1549
 Passed1559, 1560
 Enrolled1647
 Signed1650

549—To repeal section nineteen hundred fifty-five (1955) and nineteen hundred fifty-six (1956) of the code and to enact substitutes therefor, and to amend section nineteen hundred fifty-nine (1959) of the code, all relating to the construction of levees, ditches or drains, by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.
 Received1685
 Referred to Sifting committee1686, 1687
 Presented by Sifting committee1713
 Amended1713, 1714
 Passed1714
 House concurs1755
 Passed on file.....1756
 Enrolled1762
 Signed1769

HOUSE JOINT RESOLUTIONS

RECEPTION AND ACTION

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1—Relating to the selection of additional employes of the Thirty-third General Assembly, fixing their compensation and defining their duties.		five of the Constitution of the United States to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given the power to enforce such prohibition by appropriate legislation.	
Received	132	Received	1355
Considered and passed.....	133	Referred	1363
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Signed	172	Indefinitely postponed	1581
2—Providing and empowering the Regents and Trustees of the State Educational Boards to admission to the rights and privileges of the Carnegie fund.		6—Authorizing and recommending the pardon or parole of C. H. Woodward, now confined at Ft. Madison, Iowa.	
Received	189	Received	1355
Considered and passed 197,	198	Referred	1363, 1364
Reconsidered	205	Passed	1673
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Consideration postponed ..	206	Signed	1736
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Passed	1329	Received	1344
House concurs	1384	Referred	1353
Passed on file.....	1399	Reported	1495
Enrolled	1464	Passed	1521
Signed	1508	Enrolled	1646
3—Proposing to amend the constitution so as to prohibit the manufacture and sale of intoxicating liquors as a beverage within this state.		Signed	1650
Received	726	Committee appointed 1523, 1609	
Referred	736-739	Reported	1766
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Motion requesting report laid on the table ...	1297-1299	Reported	1581
Point of order raised.....	1297	Passed	1700
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Explanations of vote.....	1299	Signed	1769
5—Requesting Congress under the provision of article			

HOUSE CONCURRENT RESOLUTIONS

RECEPTION AND ACTION

- Relative to holding joint convention January 11, 1909, at 2 p. m. to hear biennial message of Governor Garst. Received 10; substitute offered and adopted 10; House concurs, 12; passed on file, 12.
- Relative to holding joint convention January 20, 1909. Received, 132, 133; Senate concurs, 133.
- Relative to printing 2,000 copies of vest pocket edition of standing committees. Received, 161; Senate amends and concurs, 161, 162; House concurs in part, 174; Senate recedes and concurs, 177.
- Appointment of joint committee to prepare suitable program for joint session to be held February 12, 1909, the one hundredth anniversary of Abraham Lincoln's birthday. Received, 174; Senate concurs, 176, 177.
- Adjournment from Wednesday January 27 until Tuesday, February 2, 1909. Received, 187; amended, 189, 190; Senate refuses to concur, 191.
- Publication of pocket edition of rules of the the Thirty-third General Assembly. Received, 232, Senate concurs, 238.
- Adoption of joint rules of Thirty-third General Assembly. Received, 235; Senate concurs, 238-241.
- Publication of 10,000 copies of the annual reports of the state highway commission for the years 1907 and 1908. Received, 322; passed on file, 325; referred, 330; reported, 857; Senate concurs, 1301.
- Appointment of joint committee to investigate matter of re-apportioning judicial districts of the state and report recommendations not later than March 25, 1909. Received, 798; Senate concurs, 909.
- Relative to final adjournment, April 9, 1909. Received, 1239; laid over, 1246; Senate concurs, 1262; Motion to reconsider laid on table, 1263.
- Relative to furnishing certain employees of Thirty-third General Assembly with copies of code, code supplements and session laws. Received, 1319; passed on file, 1321; Senate concurs, 1422.
- Petitioning congress to create a bureau of mines. Received, 1355; passed on file, 1363.
- Custodian to have charge of and prepare for shipment the books and papers belonging to the members of the Tirty-third General Assembly. Received, 1505; passed on file, 1508; Senate concurs, 1580.
- Memorializing Iowa members of congress relative to establishing National Park in Iowa. Received, 1544; passed on file, 1551, 1552; Senate concurs, 1736.
- Memorializing Iowa members of congress relative to improvement of post roads in Iowa. Received, 1544; passed on file, 1552; Senate concurs, 1752.



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